

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Docket No. 11 CR 119
)	
Plaintiff,)	
)	
vs.)	
)	
JASWINDER RAI CHHIBBER,)	Chicago, Illinois
)	March 5, 2012
Defendant.)	9:00 o'clock a.m.

TRIAL TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE SUZANNE B. CONLON, AND A JURY
VOLUME 3-A

APPEARANCES:

For the Plaintiff:	HON. PATRICK FITZGERALD United States Attorney BY: MR. SAMUEL B. COLE MR. JOEL M. HAMMERMAN 219 S. Dearborn St., Suite 500 Chicago, Illinois 60604
For the Defendant:	PUGH, JONES & JOHNSON, P.C. BY: MR. WALTER JONES, JR. MR. JONATHAN B. CIFONELLI 180 North LaSalle Street, Suite 3400 Chicago, IL 60601 (312) 768-7800
	LAW OFFICE OF ROBERT ORMAN BY: MR. ROBERT ORMAN One North LaSalle Street, Suite 1775 Chicago, IL 60602 (312) 372-0515
Court Reporter:	MS. CAROLYN R. COX, CSR, RPR, CRR, FCRR Official Court Reporter 219 S. Dearborn Street, Suite 1854-B Chicago, Illinois 60604 (312) 435-5639

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1 (The following proceedings were had in open court outside
2 the presence and hearing of the jury:)

3 THE CLERK: 11 CR 119-1, USA v. Jaswinder Rai
4 Chhibber, trial.

5 MR. HAMMERMAN: Good morning, your Honor; Joel
6 Hammerman and Sam Cole on behalf of the United States.

7 THE COURT: Good morning.

8 MR. CIFONELLI: Good morning, your Honor; Jonathan
9 Cifonelli on behalf of the defendant. If I could have a
10 moment to get the rest of counsel.

11 THE COURT: Yes.

12 (Brief pause.)

13 MR. JONES: Good morning, your Honor. Your Honor, I
14 am hoping that Mr. Orman will show in the next 30 seconds.

15 THE COURT: Okay. We are a little early. I wanted
16 to get this issue over Government's Exhibit 800 cleared up
17 before we resume. I do have one short status report at 9:00,
18 so if we can take care of this.

19 MR. JONES: I hope so because that is definitely
20 Mr. Orman's issue.

21 THE COURT: All right. Do you have your first
22 witness here?

23 MR. HAMMERMAN: We are ready to proceed, your Honor.

24 MR. JONES: Who is the first witness?

25 MR. HAMMERMAN: I believe it's Faith Washington.

08:54:42 1 MR. JONES: Okay. Well, that's fine. But,
08:54:42 2 hopefully, Judge, he'll show in a minute.
08:56:56 3 All right, Judge. I found him.
08:56:58 4 THE COURT: Good for you, Mr. Jones.
08:57:08 5 Good morning.
08:57:08 6 MR. ORMAN: Good morning, your Honor.
08:57:12 7 THE COURT: Mr. Orman, we are convening a little
08:57:16 8 early to discuss the admissibility of Government Exhibit 800.
08:57:20 9 I reserved ruling on it during the expert's testimony.
08:57:30 10 Could you explain the basis of your objection to 800?
08:57:36 11 It's entitled the Chhibber tests.
08:57:46 12 MR. ORMAN: It's this, Judge. There are tests on
08:57:50 13 this exhibit which are not part of the indictment; therefore,
08:57:56 14 they shouldn't have been on the exhibit to begin with. It's
08:58:00 15 prejudicial.
08:58:02 16 THE COURT: Have you discussed this directly with
08:58:06 17 counsel for the United States?
08:58:10 18 MR. ORMAN: No.
08:58:10 19 THE COURT: Would you identify the tests you say
08:58:20 20 exceed the indictment.
08:58:22 21 MR. ORMAN: Okay. The transcranial Doppler is not
08:58:26 22 part of the indictment, Judge, and the bioimpedance thoracic
08:58:36 23 electrical test is not part of the indictment;
08:58:46 24 b-i-o-i-m-p-e-d-a-n-c-e, thoracic electrical isn't part of the
08:58:52 25 indictment.

08:58:52 1 THE COURT: So you object to the inclusion of those
08:58:56 2 two items on Government Exhibit 800?

08:59:00 3 MR. ORMAN: Let me make this stipulation. Anything
08:59:02 4 that is not in the indictment goes out, anything that's in the
08:59:06 5 indictment stays in.

08:59:08 6 THE COURT: Well, I need more, more specific and less
08:59:14 7 vague.

08:59:18 8 MR. ORMAN: Also nerve conduction tests are not in
08:59:22 9 the indictment, Judge.

08:59:24 10 THE COURT: Is that on the first page?

08:59:26 11 MR. ORMAN: Yes, it is.

08:59:28 12 THE COURT: Yes, I see it. Okay. Anything else?

08:59:36 13 MR. ORMAN: That's it. And it may be that
08:59:38 14 bioimpedance is in the indictment, Judge. I may be wrong on
08:59:40 15 that. But for sure, nerve conduction is not in and
08:59:42 16 transcranial Doppler is not in.

08:59:44 17 THE COURT: Okay.

08:59:46 18 MR. HAMMERMAN: May I address, your Honor?

08:59:48 19 THE COURT: Yes.

08:59:50 20 MR. HAMMERMAN: As your Honor knows, the government
08:59:54 21 charges the scheme in this case in which the defendant is
08:59:54 22 charged with conducting unnecessary tests and justifying those
08:59:56 23 tests with nonexistent diagnoses that he put in patient
09:00:00 24 charts.

09:00:02 25 The reason that these tests and these diagnoses are

09:00:04 1 in Government Exhibit 800 is that these are the most prolific
09:00:10 2 tests used by the defendant, and it was the government's
09:00:12 3 intent to show that these are the tests that he continued to
09:00:14 4 order for patients again and again and again, and these tests,
09:00:20 5 these conditions are included within the scope of the
09:00:22 6 indictment.

09:00:22 7 Mr. Orman has taken the position that unless each
09:00:26 8 individual count executing the scheme includes one of these
09:00:30 9 particular tests, then we didn't charge it. We strongly
09:00:32 10 disagree with that, that the scheme is broader than the seven
09:00:36 11 patients that are identified in the executions of the scheme.
09:00:40 12 Your Honor has already heard testimony that this was a pattern
09:00:44 13 and practice of Dr. Chhibber to order these tests again and
09:00:48 14 again and again with these false diagnoses for more than, of
09:00:52 15 course, these seven particular patients. Our employee
09:00:58 16 witnesses will testify to that fact. We have had some do it
09:01:00 17 already. We will have more do it. We will, of course, have
09:01:04 18 patient testimony to show that all of these tests, all of
09:01:06 19 these conditions were ordered in excess, or thrown into
09:01:10 20 billing claims is a better way to put it, in excess by
09:01:14 21 Dr. Chhibber and, in fact, were false and fictitious, and
09:01:18 22 that's the reason they are included in this chart.

09:01:20 23 And we will present additional evidence to show that
09:01:20 24 these tests of which Mr. Orman is complaining, for example,
09:01:24 25 nerve conduction test was one of those tests that Dr. Chhibber

09:01:28 1 ordered unnecessarily.

09:01:30 2 THE COURT: What do the numbers signify in the
09:01:34 3 left-hand column?

09:01:34 4 MR. HAMMERMAN: Those, your Honor, on the tests are
09:01:38 5 the CPT codes. The reason that we have these exhibits is so
09:01:44 6 those -- I believe we introduced eight large books that will,
09:01:48 7 of course, go back to the jury so the jury doesn't have to use
09:01:52 8 those somewhat technical manuals to try to find the codes that
09:01:54 9 associate with the tests because it's those numbers that show
09:01:58 10 up in the actual claim forms that are submitted to insurers.
09:02:02 11 It's the way in which in this industry everyone tracks the
09:02:06 12 conditions and the tests, by the ICD-9 codes and the CPT
09:02:12 13 codes.

09:02:18 14 THE COURT: Are you offering this as a summary chart?

09:02:20 15 MR. HAMMERMAN: It is, your Honor, a summary chart.
09:02:22 16 It's also that Dr. Herdeman, our expert, pointed out that
09:02:26 17 these were -- he checked these CPT codes and these ICD-9 codes
09:02:32 18 on this exhibit so that the jurors aren't required to search
09:02:36 19 through what would really be almost a foot and a half or two
09:02:40 20 feet, linear feet, of books to find these individual line
09:02:46 21 items in very complex manuals. So they contain that
09:02:50 22 information from those books.

09:02:56 23 THE COURT: And on the second page of the exhibit
09:03:04 24 there is a diagnoses synopsis.

09:03:08 25 MR. HAMMERMAN: It's syncope and collapse, dizziness,

09:03:12 1 shortness of breath. These are, once again, the conditions
09:03:14 2 that Dr. Chhibber falsely put in the patient charts and
09:03:18 3 presented to insurers to justify the tests that were medically
09:03:22 4 unnecessary. Insurers will not pay for certain procedures
09:03:26 5 unless there is some precondition that would justify the
09:03:30 6 diagnostic test being used by Dr. Chhibber. These were the
09:03:32 7 false diagnoses contained in those claims and written in the
09:03:36 8 charts.

09:03:36 9 And the ICD-9 codes are the same type of codes as
09:03:40 10 those on the first page. They identify a sickness or
09:03:44 11 condition that a patient might have by a numeric number for
09:03:48 12 each individual type of sickness or condition.

09:03:56 13 THE COURT: Mr. Orman, do you have a comment?

09:03:58 14 MR. ORMAN: Your Honor, there is no objection to
09:04:00 15 page 2.

09:04:00 16 As to the two items I have identified on page 1, they
09:04:04 17 had their shot. They had their expert on. Their expert did
09:04:08 18 not connect any test, any of -- either of the two tests, with
09:04:14 19 any patient, not only did -- that the government is calling in
09:04:20 20 this case, but with any patient that the defendant ever saw.

09:04:26 21 So these are totally superfluous, Judge, and they are
09:04:32 22 misleading because the jurors could think there is something
09:04:36 23 wrong here. There is no testimony whatsoever to support
09:04:38 24 putting those two tests on this page.

09:04:42 25 THE COURT: So you're withdrawing your objection to

09:04:48 1 bioimpedance thoracic electrical?

09:04:50 2 MR. ORMAN: Yeah. Yes.

09:04:56 3 THE COURT: Well, can you revise Government Exhibit
09:05:02 4 800 to eliminate transcranial Doppler and nerve conduction
09:05:08 5 test?

09:05:08 6 MR. HAMMERMAN: We can do that, your Honor. We do
09:05:12 7 believe that the testimony that will be -- the expert's
09:05:16 8 testimony did tie these together, and we do believe there will
09:05:18 9 be additional testimony that these particular tests, the
09:05:22 10 transcranial Doppler, for example, was never ever performed at
09:05:26 11 Dr. Chhibber's office, yet he billed for it excessively.

09:05:28 12 We will call today one of the ultrasound technicians
09:05:32 13 who worked for Dr. Chhibber who will say that was a test that
09:05:34 14 was just never done in his office, and yet the billing records
09:05:36 15 show that Dr. Chhibber billed for it excessively, not even
09:05:40 16 just in remote occasions; it is an excessive billing code that
09:05:44 17 was used. And it was never done at that office. And so we
09:05:48 18 will have additional witnesses that will tie this together.

09:05:50 19 THE COURT: All right. So renew your motion for
09:05:56 20 admission of Government Exhibit 800, page 1, after you
09:06:04 21 presented that testimony. I guess we could call page 2
09:06:12 22 Government Exhibit 800-B for the record.

09:06:20 23 Government Exhibit 800-B is admitted.

09:06:24 24 (Above-mentioned exhibit was received in evidence.)

09:06:24 25 MR. HAMMERMAN: Yes, your Honor. And the government

09:06:26 1 will revise page 1 in case the court finds that we are unable
09:06:28 2 to tie them together, and we will have a revised revision
09:06:36 3 made.

09:06:36 4 And, your Honor, I think our office brought up two
09:06:38 5 other small motions to your Honor this morning. I don't think
09:06:40 6 either one needs to be addressed before court today because
09:06:44 7 they don't address matters before the court today, but I
09:06:46 8 wanted to make sure that the court had --

09:06:48 9 THE COURT: The one was an agreed motion to
09:06:50 10 substitute a witness.

09:06:50 11 MR. HAMMERMAN: Yes.

09:06:52 12 THE COURT: And that agreed motion is granted.

09:06:54 13 William F -- how do you pronounce it?

09:07:00 14 MR. HAMMERMAN: I have no idea, your Honor.

09:07:00 15 THE COURT: For the court reporter's sake, it's
09:07:04 16 I-o-b-s-t, is substituted for Lynn Langdon, L-a-n-g-d-o-n.
09:07:16 17 That motion is granted.

09:07:20 18 All right. We are going to hear the status now. The
09:07:24 19 jury is all here. They were all here early this morning.
09:07:28 20 They are a very good jury.

09:07:30 21 MR. ORMAN: Thank you, your Honor.

09:07:30 22 (Short break.)

09:07:30 23 (The following proceedings were had in open court in the
09:19:18 24 presence and hearing of the jury:)

09:19:18 25 THE COURT: Good morning, ladies and gentlemen.

09:19:20 1 Please be seated.

09:19:34 2 (Witness sworn.)

09:19:34 3 THE COURT: Please be seated. Would you tell us your
09:19:38 4 full name and spell your last name.

09:19:40 5 THE WITNESS: My full name is Faith Washington, last
09:19:42 6 name W-a-s-h-i-n-g-t-o-n.

09:19:48 7 - - -

09:19:48 8 FAITH WASHINGTON, DIRECT EXAMINATION

09:19:48 9 BY MR. HAMMERMAN:

09:19:50 10 Q. Ms. Washington, where do you work?

09:19:50 11 A. I work at South Suburban Hospital in Hazel Crest,
09:19:54 12 Illinois.

09:19:54 13 Q. How long have you worked there?

09:19:56 14 A. Approximately a little over a year.

09:19:58 15 Q. What do you do?

09:19:58 16 A. I am a neurophysiologist.

09:20:02 17 Q. What does that mean?

09:20:02 18 A. I do EEG studies and nerve conduction.

09:20:04 19 Q. Can you tell the jury your medical training, please.

09:20:08 20 A. I went to school at East-West University in 2009, 2010,
09:20:16 21 for actually two years, and I got training there for neuro
09:20:24 22 tech -- I have a neuro tech certificate and associate's in
09:20:28 23 liberal arts.

09:20:28 24 Q. When did you graduate from East-West University?

09:20:34 25 A. I graduated in 2009.

09:20:34 1 Q. When did you get the neuro tech certificate?

09:20:38 2 A. June 2010.

09:20:46 3 June 2009.

09:20:46 4 Q. Are you familiar with the defendant in this case,
09:20:50 5 Dr. Jaswinder Chhibber?

09:20:50 6 A. Yes, I am.

09:20:52 7 Q. How is that?

09:20:52 8 A. I worked for him for a year.

09:20:54 9 Q. When did you work for him?

09:20:56 10 A. I started October 2010.

09:21:06 11 No, I'm sorry. I am kind of nervous. I started
09:21:10 12 October 2009.

09:21:14 13 Q. And when did you stop working for the defendant?

09:21:16 14 A. I stopped working for him a year later, October 2010.

09:21:24 15 Q. Now, when you first started working for the defendant, can
09:21:32 16 you describe how it is that you met him.

09:21:34 17 A. I was on a job search. I would just go out and give my
09:21:38 18 resume out, and I ran into one of his friends, and he referred
09:21:44 19 me over to him.

09:21:44 20 Q. Can you describe what happened in your first conversation
09:21:48 21 with the defendant?

09:21:50 22 A. He --

09:21:50 23 MR. JONES: Can I have the foundation, Judge?

09:21:52 24 THE COURT: Yes. Would you lay the foundation,
09:21:54 25 please.

09:21:56 1 BY MR. COLE:

09:21:56 2 Q. Approximately when was the first time you had a

09:21:58 3 conversation with the defendant?

09:21:58 4 A. It was I believe in October.

09:22:04 5 Q. Of 2009?

09:22:04 6 A. Yes.

09:22:06 7 Q. And where was this conversation?

09:22:06 8 A. It was in his office, at his clinic on 79th and Cottage.

09:22:14 9 Q. Can you describe for the jury what was said in that first

09:22:20 10 conversation.

09:22:20 11 A. He asked me about my training, and he also said he was

09:22:30 12 looking for someone like me, and he also said -- we discussed

09:22:38 13 a salary and a position.

09:22:40 14 Q. And what was the salary discussed?

09:22:44 15 A. He told me \$16 an hour, and I would work for like a

09:22:52 16 training period from October until January.

09:22:54 17 Q. And how much would you be paid during that training

09:22:58 18 period?

09:22:58 19 A. I wasn't paid anything.

09:23:00 20 Q. Did you talk about what it is that you would do for the

09:23:04 21 defendant?

09:23:04 22 A. I'm sorry. Can you rephrase that?

09:23:06 23 Q. Did you discuss what kind of work you would do at the

09:23:10 24 defendant's clinic?

09:23:12 25 A. I was supposed to be the nerve conduction tech.

09:23:16 1 Q. Did you discuss any other work you would do?

09:23:18 2 A. No.

09:23:18 3 Q. And what kind of training up to that point had you had in
09:23:24 4 nerve conduction studies?

09:23:24 5 A. I had a little bit at school, we talked about it, but I
09:23:30 6 hadn't had any hands-on experience.

09:23:30 7 Q. Did you talk about whether or not you would perform other
09:23:38 8 types of tests, like EKGs, at the defendant's clinic?

09:23:42 9 A. No.

09:23:42 10 Q. Now, did you start -- when you started working, can you
09:23:50 11 describe -- I guess my first question is, when did you start
09:23:54 12 working for the defendant?

09:23:58 13 A. I started working January 2010 on staff.

09:24:00 14 Q. And you had been training there previously; is that
09:24:04 15 correct?

09:24:04 16 A. I was training from October until January.

09:24:06 17 Q. How many days a week did you train?

09:24:08 18 A. I believe about one day.

09:24:12 19 Q. Can you describe -- one day per week?

09:24:16 20 A. Yes, one day a week.

09:24:16 21 Q. Can you describe for the jury what you would do during
09:24:20 22 that one day a week of training.

09:24:20 23 A. I was to learn how to do the nerve conduction, and I also
09:24:26 24 started doing like the front desk. I would go up to the front
09:24:32 25 desk, and they would kind of cross-train me on the EKG and ICG

09:24:38 1 and PFT.

09:24:38 2 Q. So when you say you started training on nerve conduction,
09:24:42 3 can you describe that more for the jury. What is it that you
09:24:44 4 actually did?

09:24:46 5 A. The doctor -- one of the doctors came in, and he trained
09:24:50 6 me. And the nerve conduction study is just the electrical
09:24:54 7 shock to the nerve, and you have to calculate the velocity as
09:25:00 8 well as measure the distance between the point of stimulation
09:25:04 9 and the nerve.

09:25:04 10 Q. So what did your training consist of?

09:25:10 11 A. The doctor trained me for like 15 minutes, and that's all
09:25:16 12 I can recall, him training me for about 15 minutes, and we did
09:25:22 13 about two or three sessions.

09:25:22 14 Q. So after this 15 minutes of training, what other training
09:25:28 15 did you have during that period before you started getting
09:25:32 16 paid in January?

09:25:32 17 A. The cross-training of the ICG, EKG, and PFT.

09:25:36 18 Q. Who did the cross-training for you?

09:25:40 19 A. The employees.

09:25:42 20 Q. Who in particular?

09:25:44 21 A. Twahki and Tyanna.

09:25:48 22 Q. Had you been training in school on PFTs?

09:25:52 23 A. No.

09:25:52 24 Q. What about EKGs?

09:25:54 25 A. No.

09:25:54 1 Q. Did you get trained on an AVI test while you were in that
09:25:58 2 training period in the clinic?
09:26:00 3 A. No.
09:26:00 4 Oh, I'm sorry. Rephrase that?
09:26:02 5 Q. While you were in that training time at the clinic, did
09:26:04 6 you get training on an AVI test?
09:26:08 7 A. Yes.
09:26:08 8 Q. How about at school, had you been trained on that?
09:26:10 9 A. No.
09:26:10 10 Q. Who trained you on the AVI test?
09:26:14 11 A. Tyanna and Twahki.
09:26:16 12 Q. Can you describe what the training consisted of by Tyanna
09:26:22 13 and Twahki.
09:26:22 14 A. They told me to wrap a cuff around the arm, and it was
09:26:26 15 kind of like an echo machine where you -- it's like a Doppler,
09:26:28 16 and you take the gel and find the pulse. And then you will
09:26:32 17 pump up the machine, it's like an arm cuff, blood pressure
09:26:38 18 cuff, pump it up, and wait until you don't have pulse anymore,
09:26:44 19 and then you would release it.
09:26:44 20 Q. What is that for? What test is that?
09:26:48 21 A. That's for circulation.
09:26:48 22 Q. And what test are you describing, what was it called?
09:26:52 23 A. AVI.
09:26:52 24 Q. What about PFT, can you describe the training you received
09:26:56 25 in a PFT test.

09:26:58 1 A. They told me to have the patient blow into a device, and
09:27:02 2 you just blow until you don't hear the beep anymore.
09:27:08 3 Q. How long did that training last?
09:27:10 4 A. Probably about a minute.
09:27:10 5 Q. What about EKG training, who trained you on an EKG?
09:27:14 6 A. Tyanna and Twahki.
09:27:16 7 Q. Can you describe that training for the jury.
09:27:20 8 A. You would place the electrodes on the chest, as well as
09:27:24 9 the left and the right side, and a little bit under like the
09:27:32 10 belly button are the two electrodes.
09:27:34 11 Q. How long did that training last?
09:27:36 12 A. That lasted for about 10 minutes, but I had a couple of
09:27:40 13 sessions of training with that.
09:27:42 14 Q. So each session lasted approximately 10 minutes?
09:27:48 15 A. No.
09:27:48 16 Q. Total?
09:27:48 17 A. They would like come in and watch you do it, and probably
09:27:54 18 about two or three times, and then I had the hang of it.
09:27:58 19 Q. Now, did you actually perform EKGs in the defendant's
09:28:02 20 office?
09:28:02 21 A. Yes.
09:28:02 22 Q. What position was the patient in when you performed the
09:28:06 23 EKG?
09:28:06 24 A. The patient would sit in a chair like I'm sitting in right
09:28:12 25 now.

09:28:12 1 Q. Are there any patients where the defendant told to you
09:28:14 2 perform EKGs differently than that?

09:28:16 3 A. Yes.

09:28:16 4 Q. Can you describe that for the jury, please.

09:28:18 5 A. It was one patient in particular, I can't remember his
09:28:22 6 name, but I was instructed to lay the patient down, and we
09:28:30 7 performed the EKG.

09:28:32 8 Q. Who instructed you to do that?

09:28:34 9 A. Dr. Chhibber.

09:28:34 10 Q. Did he tell you why?

09:28:34 11 A. No.

09:28:36 12 Q. Can you describe what part of your training Dr. Chhibber
09:28:40 13 played in nerve conduction tests?

09:28:44 14 A. None.

09:28:44 15 Q. Can you describe what part of your training Dr. Chhibber
09:28:48 16 played in AVI tests?

09:28:50 17 A. None.

09:28:52 18 Q. Can you describe what part of your training Dr. Chhibber
09:28:54 19 played in PFT tests?

09:28:58 20 A. None.

09:28:58 21 Q. What about EKG tests?

09:29:00 22 A. None.

09:29:00 23 Q. Can you describe how often the defendant observed you
09:29:04 24 perform nerve conduction studies, AVIs, PFTs, and EKGs.

09:29:08 25 A. I can remember Dr. Chhibber coming in the room and talking

09:29:12 1 to the patient while I would do a nerve conduction study; but
09:29:14 2 other than that, I don't recall him being in the room watching
09:29:20 3 me perform the test.

09:29:20 4 Q. How many times did Dr. Chhibber come in the room when you
09:29:24 5 performed nerve conduction studies?

09:29:24 6 A. Maybe about three or four times.

09:29:26 7 Q. Now, how frequently did he ask you questions about test
09:29:32 8 results for tests you performed?

09:29:34 9 A. None.

09:29:36 10 Q. How frequently did the defendant ask you to redo a test?

09:29:38 11 A. That one time I explained before about the EKG.

09:29:42 12 Q. Did he tell you why he was asking you to redo the test?

09:29:46 13 A. No.

09:29:48 14 Q. Now, we talked about nerve conduction studies. Were those
09:29:54 15 painful tests?

09:29:54 16 A. They are very painful.

09:29:56 17 Q. Do the patients ever leave?

09:29:58 18 A. Yes.

09:29:58 19 Q. How often?

09:30:00 20 A. The patients would leave maybe -- I can't say how often
09:30:06 21 because they would leave. If they had the study before and
09:30:12 22 they probably wouldn't understand why they were getting it
09:30:14 23 again, so some of them would leave, and some of them would
09:30:16 24 leave after the first stimulation.

09:30:18 25 Q. How many stimulations were they supposed to have?

09:30:20 1 A. They were supposed to have -- I usually tested three
09:30:26 2 nerves in the upper extremities.

09:30:30 3 THE COURT: Excuse me. Is there a cell phone on?

09:30:34 4 A JUROR: I'm sorry.

09:30:36 5 THE COURT: Please make sure cell phones are off.

09:30:40 6 A JUROR: Sorry.

09:30:42 7 THE COURT: It's best to leave them in the jury room.

09:30:46 8 BY MR. COLE:

09:30:48 9 Q. How long did nerve conduction studies take to perform
09:30:50 10 while you were working in the defendant's clinic?

09:30:52 11 A. About 10 minutes.

09:30:54 12 Q. How often would you perform nerve conduction studies?

09:30:58 13 A. I would perform maybe about -- depending on what day it
09:31:02 14 is, probably about five or six nerve conduction studies a day.

09:31:08 15 Q. Is this including your training time, or is this starting
09:31:14 16 once you were working in January of 2010 for \$16 an hour?

09:31:20 17 A. It started after -- it started in January 2010.

09:31:22 18 Q. Can you describe for the jury how your job changed in
09:31:26 19 January 2010.

09:31:28 20 A. I was instructed to do the EKGs, the ICGs, the PFTs, I was
09:31:36 21 also filing, and I was also asked to lay them down while I
09:31:44 22 clean out the basement.

09:31:46 23 Q. We will talk about that a little bit later. In terms of
09:31:50 24 your nerve conduction studies, you say you performed them now?

09:31:54 25 A. Yes.

09:31:54 1 Q. Where is that now?

09:31:54 2 A. South Suburban Hospital.

09:31:56 3 Q. How long did your studies take to perform currently?

09:31:58 4 A. The upper extremities, it takes about 20 to 30 minutes.

09:32:04 5 Q. Can you describe the differences in how you perform tests
09:32:08 6 now.

09:32:08 7 MR. JONES: Judge, I am going to object to the
09:32:12 8 relevance of this.

09:32:14 9 THE COURT: Would you read back the question, please.

09:32:26 10 (Record read.)

09:32:28 11 THE COURT: Sustained. Sustained.

09:32:30 12 BY MR. COLE:

09:32:30 13 Q. When you were performing nerve conduction studies in
09:32:32 14 Dr. Chhibber's clinic, how confident were you that you were
09:32:36 15 performing them correctly?

09:32:38 16 MR. JONES: Judge, I am going to object to this.

09:32:40 17 THE COURT: Sustained.

09:32:42 18 BY MR. COLE:

09:32:42 19 Q. Did you ever tell Dr. Chhibber anything about how
09:32:44 20 confident you were in performing nerve conduction studies?

09:32:48 21 MR. JONES: Judge, I object again.

09:32:50 22 THE COURT: You will need a foundation.

09:32:52 23 BY MR. COLE:

09:32:56 24 Q. At some point, did you have any conversation with the
09:32:58 25 defendant about performing nerve conduction studies?

09:33:02 1 A. Yes.

09:33:02 2 Q. Approximately when was this?

09:33:04 3 A. This is when I first started. I asked him about --

09:33:10 4 MR. JONES: Judge, we still don't have this
09:33:12 5 foundation. Who was present, when was this?

09:33:14 6 THE COURT: Yes, I don't think counsel was finished
09:33:18 7 with the foundation.

09:33:18 8 MR. JONES: All right.

09:33:20 9 BY MR. COLE:

09:33:20 10 Q. Approximately how many conversations did you have with the
09:33:22 11 defendant?

09:33:22 12 A. About two.

09:33:24 13 Q. Where were these conversations?

09:33:26 14 A. When I first started, and also after I started, maybe
09:33:32 15 about a month or so in.

09:33:34 16 Q. Who was present for these conversations?

09:33:36 17 A. Me and Dr. Chhibber.

09:33:38 18 Q. Can you describe these conversations for the jury, please.

09:33:42 19 A. I asked him if I can go to a training, I believe the
09:33:46 20 training was in Detroit, and I was told that the funds were
09:33:52 21 not available to send me there.

09:33:52 22 Q. Did you tell him why you wanted to go to this training?

09:33:54 23 A. Yes.

09:33:56 24 Q. Why is that?

09:33:56 25 A. I was not so comfortable working the nerve conduction

09:34:02 1 machine, and I thought I needed more training.

09:34:04 2 Q. Approximately what time were you supposed to arrive in the
09:34:08 3 clinic every morning?

09:34:10 4 A. I was supposed to be there at 10:00.

09:34:12 5 Q. How many patients were already waiting in the defendant's
09:34:18 6 clinic when you arrived?

09:34:18 7 A. There were several patients, anywhere from one to maybe 10
09:34:24 8 patients.

09:34:24 9 Q. And how often were you -- was the defendant already at the
09:34:28 10 clinic when you arrived there?

09:34:30 11 A. Very few times.

09:34:32 12 Q. What time would the defendant typically arrive at the
09:34:36 13 clinic?

09:34:36 14 A. Anywhere from 11:00 to 1:00.

09:34:38 15 Q. Prior to the time the defendant arrived at the clinic,
09:34:44 16 what would the patients be doing?

09:34:46 17 A. Complaining.

09:34:46 18 Q. What were they complaining about?

09:34:48 19 MR. JONES: Judge, I am going to object to the
09:34:50 20 relevance.

09:34:50 21 THE COURT: Sustained.

09:34:52 22 BY MR. COLE:

09:34:52 23 Q. Now, would you personally administer any tests on patients
09:34:56 24 prior to the time the defendant arrived at the clinic?

09:35:00 25 A. Yes.

09:35:00 1 Q. How would this come about?

09:35:02 2 A. I was told by Tyanna or Twahki.

09:35:10 3 Q. What would they tell you?

09:35:14 4 MR. JONES: Judge, I'm going to object to hearsay.

09:35:16 5 THE COURT: Would you lay a foundation, please.

09:35:18 6 BY MR. COLE:

09:35:18 7 Q. Approximately how many times did you talk to Tyanna or
09:35:22 8 Twahki prior to the defendant arriving at the clinic about
09:35:26 9 tests being performed?

09:35:28 10 A. We would all be in the front office, and the patients
09:35:30 11 would be there, and sometimes Dr. Chhibber would call and
09:35:34 12 say --

09:35:36 13 MR. JONES: Judge, this isn't an answer to the
09:35:38 14 question.

09:35:38 15 THE COURT: All right. Yes. Proceed with another
09:35:42 16 question. That might solve the problem.

09:35:44 17 BY MR. COLE:

09:35:46 18 Q. So where would you have conversations with Tyanna and
09:35:50 19 Twahki about this?

09:35:50 20 A. The front office.

09:35:52 21 Q. And approximately what time would these conversations take
09:35:54 22 place?

09:35:54 23 A. The morning before Dr. Chhibber arrived.

09:35:58 24 Q. And how many times a week would you have conversations
09:36:04 25 like this?

09:36:04 1 A. Every time I come in and the doctor is not there.

09:36:10 2 Q. Can you describe these conversations for the jury.

09:36:14 3 MR. JONES: Judge, I am going to object as hearsay.

09:36:16 4 THE COURT: Sustained.

09:36:16 5 BY MR. COLE:

09:36:20 6 Q. Did you ever talk to the defendant on the phone in the
09:36:22 7 morning?

09:36:22 8 A. Yes.

09:36:24 9 Q. When was that?

09:36:26 10 A. This -- I didn't talk to him often, but I think about two
09:36:30 11 or three times or so.

09:36:32 12 Q. Where were you when you talked to the defendant?

09:36:34 13 A. The front office.

09:36:36 14 Q. Can you describe these conversations for the jury.

09:36:38 15 MR. JONES: Judge, she says three or four times. Can
09:36:42 16 I have a foundation? When were these three or four times?

09:36:44 17 BY MR. COLE:

09:36:46 18 Q. When were these three or four times?

09:36:46 19 A. The morning when I came in. I can't pinpoint the date,
09:36:52 20 but it would be in the morning.

09:36:54 21 MR. JONES: Judge, of course, if she can't pinpoint
09:36:58 22 the date, I still need something further.

09:37:00 23 MR. COLE: I haven't even asked another question,
09:37:02 24 your Honor.

09:37:02 25 THE COURT: Ask another one.

09:37:04 1 BY MR. COLE:

09:37:04 2 Q. Were these towards the time when you first started working
09:37:08 3 at the clinic, towards the middle, towards the end?

09:37:12 4 A. They were kind of spreaded (sic) out. I think more of
09:37:14 5 after I got a little familiar with answering the phones, I
09:37:18 6 would then answer the phone maybe toward the middle.

09:37:22 7 Q. Can you describe these conversations for the jury.

09:37:24 8 A. Dr. Chhibber would ask what patients are in the office, I
09:37:30 9 would read off the clipboard, and he would tell me what tests
09:37:34 10 to perform.

09:37:34 11 Q. Would he ask you any questions about the patients?

09:37:36 12 A. No.

09:37:36 13 Q. Would he ask you why patients were at the clinic?

09:37:40 14 A. No.

09:37:42 15 Q. Or the patient's symptoms?

09:37:44 16 A. No.

09:37:44 17 Q. What would you do after you had these conversations with
09:37:48 18 the defendant?

09:37:50 19 A. I would write down what he said and then perform the test.

09:37:54 20 Q. What kind of test did he ask you to perform?

09:37:56 21 A. ICG, EKG, PFT, or AVI, or nerve conduction.

09:38:02 22 Q. After you had conversations with Twahki and Tyanna, what
09:38:10 23 did you do?

09:38:10 24 A. I performed the tests.

09:38:12 25 Q. What kind of tests?

09:38:12 1 A. The same tests that I just explained earlier: ICG, EKG,
09:38:16 2 PFT, nerve conduction, and AVI.

09:38:20 3 Q. Did patients ever ask you why they were getting these
09:38:22 4 tests?

09:38:22 5 MR. JONES: Judge, I object.

09:38:24 6 THE COURT: Sustained.

09:38:26 7 BY MR. COLE:

09:38:30 8 Q. Were you the only person in the office to perform nerve
09:38:32 9 conduction studies?

09:38:34 10 A. Yes.

09:38:34 11 Q. How often would you perform nerve conduction studies on
09:38:38 12 patients with public aid, on public aid, like Medicaid?

09:38:42 13 A. Maybe about one or two times, I can say.

09:38:46 14 Q. How about patients on private insurance, like Medicare?

09:38:54 15 A. Those were most of the patients.

09:38:56 16 Q. Now, at some point when you were working at the
09:38:58 17 defendant's clinic, did he ever talk to you about reviewing
09:39:02 18 old patient charts?

09:39:02 19 A. I'm sorry. Can you give me more details?

09:39:08 20 MR. JONES: I'm sorry. Judge, I couldn't hear.

09:39:10 21 THE COURT: You are going to have to speak up. Maybe
09:39:12 22 if you re-ask the question.

09:39:14 23 BY MR. COLE:

09:39:16 24 Q. Did you ever talk to the defendant about you going back
09:39:18 25 and reviewing old patient charts?

09:39:20 1 A. Yes.

09:39:20 2 Q. When did that conversation take place?

09:39:24 3 A. This took place about maybe the summer of 2010.

09:39:30 4 Q. Where did this conversation take place?

09:39:32 5 A. It took place in his office, or maybe if I was in a file

09:39:38 6 room, he would come in there and tell me about the charts.

09:39:42 7 Q. Who was present for these conversations?

09:39:46 8 A. Mainly me and Dr. Chhibber, or sometimes Tyanna and Twahki

09:39:54 9 would be there too.

09:39:56 10 Q. Can you describe these conversations for the jury, please.

09:40:02 11 A. For the chart, I was supposed to go back to the chart and

09:40:06 12 see what tests were missing and then put like a sticky note

09:40:08 13 and give it to one of the other doctors.

09:40:10 14 Q. Now, which charts were you supposed to go back to?

09:40:14 15 A. We had like a pallet of charts on the floor, and we also

09:40:20 16 had the charts that were in the file area, pretty much all the

09:40:26 17 charts from A going all the way to Z.

09:40:28 18 Q. Did he give you a particular time period he wanted you to

09:40:32 19 focus on?

09:40:32 20 A. He told me to make sure it was done. I wasn't -- I didn't

09:40:36 21 really have a time period, but he told me to make sure that I

09:40:40 22 do the charts and as quickly as possible.

09:40:42 23 Q. And did he give you a particular time period of the

09:40:46 24 patient charts, the dates of the visits of the patient charts

09:40:52 25 you were to focus on?

09:40:52 1 A. I was supposed to have -- put the dates in chronological
09:40:58 2 order. So if something was missing from January and I was
09:41:04 3 given a sheet for January, I would have to put it in
09:41:08 4 chronological order. After I did the sticky note, wrote down
09:41:12 5 the missing date, and put the chart aside, then they would
09:41:18 6 give me the paperwork back, and I would have to file it in
09:41:22 7 chronological order.

09:41:22 8 Q. So let's just focus on you looking through the patient
09:41:26 9 charts. Were you looking at the entire patient chart from the
09:41:28 10 first time the patient saw the defendant all the way up to the
09:41:32 11 present?

09:41:32 12 A. Yes.

09:41:32 13 Q. For were there particular tests you were looking for?

09:41:38 14 A. Yes.

09:41:38 15 Q. What were those tests?

09:41:40 16 A. Ultrasound.

09:41:40 17 Q. What kind of ultrasounds?

09:41:42 18 A. Any type of ultrasound, carotid artery or heart or
09:41:46 19 anything like that.

09:41:48 20 Q. Now, what kind of documentation were you looking to see
09:41:54 21 that was missing?

09:41:54 22 A. I think it was like the result sheet with the numbers on
09:41:56 23 it.

09:41:58 24 MR. JONES: Judge, I am going to have to object.
09:42:00 25 She's guessing.

09:42:02 1 THE COURT: Sustained.

09:42:04 2 BY MR. COLE:

09:42:04 3 Q. Do you recall what type of sheet missing information you
09:42:08 4 were looking for?

09:42:10 5 A. It was the sheet with the numbers on it.

09:42:12 6 Q. Was it a typed sheet or a handwritten sheet?

09:42:16 7 A. It was a typed sheet.

09:42:16 8 Q. Now, if you found a chart that was missing a sheet, what
09:42:22 9 would you do?

09:42:22 10 A. I would take a sticky and place the date of the missing
09:42:30 11 sheet on it and put it on the front of the chart along with
09:42:36 12 the date.

09:42:36 13 Q. What would you do with the charts then?

09:42:40 14 A. I would set them to the side, the charts that I finished
09:42:42 15 already, I would set them to the side, and someone would come
09:42:46 16 and take it back to the other doctor, or sometimes I would
09:42:48 17 take it back there.

09:42:50 18 Q. When you say "other doctor," who are you referring to?

09:42:52 19 A. Dr. Baig.

09:42:56 20 Q. Now, did you ever see the person you referred to as
09:43:08 21 Dr. Baig do anything with these charts?

09:43:10 22 A. Yes.

09:43:10 23 Q. When did you see this?

09:43:10 24 A. I saw this quite often. When I started giving the charts
09:43:16 25 to him or someone would take it back there, if I walked past,

09:43:20 1 I would see him -- he had a template that he would use, and he
09:43:24 2 would change the numbers and correct the chart so I can put
09:43:32 3 the paperwork back in the correct date.

09:43:34 4 Q. So you say he had a template. What does that mean? Where
09:43:38 5 was this template?

09:43:38 6 A. The template was on the computer.

09:43:40 7 Q. How would you see this?

09:43:40 8 A. When I walked past.

09:43:42 9 Q. Where was this computer?

09:43:44 10 A. This computer was in the back area, so out of the patient
09:43:52 11 area. There was another room off to the back where the coats
09:43:56 12 were, and I would see him typing, and he would also be
09:44:00 13 complaining.

09:44:00 14 Q. Approximately how many hours a week did you personally
09:44:06 15 spend reviewing these old patient charts?

09:44:08 16 A. Toward the time -- towards the end of my employment there,
09:44:14 17 I would spend about -- maybe about more than half of the day
09:44:20 18 doing charts.

09:44:20 19 Q. What about in the beginning?

09:44:22 20 A. The beginning, when I first started, I would just file the
09:44:26 21 charts and file the old tests, but toward the end, I started
09:44:30 22 reviewing the charts.

09:44:34 23 Q. Now, you indicated that you saw Mr. Baig with a template
09:44:38 24 that he was changing. Do you know what date he would put on
09:44:42 25 the sheets?

09:44:42 1 A. The date --

09:44:42 2 MR. JONES: Judge, I am going to object, unless there
09:44:44 3 is a foundation laid here.

09:44:46 4 THE COURT: Sustained.

09:44:48 5 BY MR. COLE:

09:44:50 6 Q. Did you ever see Mr. Baig put dates on these sheets he was
09:44:56 7 typing up?

09:44:58 8 A. I didn't see him put dates on there. I know that when --

09:45:02 9 MR. JONES: Judge, I object. This is speculation.

09:45:06 10 THE COURT: All right.

09:45:06 11 BY MR. COLE:

09:45:06 12 Q. Did you see him -- the sheets that he printed out?

09:45:08 13 A. Yes, I did.

09:45:10 14 Q. When did you see this?

09:45:10 15 A. When it was time for me to file the charts away again, I
09:45:16 16 had the date that matched the date that I put on the sticky.

09:45:20 17 Q. So the date that was on the result sheet was the date of
09:45:26 18 the missing information; is that correct?

09:45:28 19 A. Yes.

09:45:28 20 Q. It wasn't the current date?

09:45:30 21 A. No.

09:45:30 22 Q. Approximately how many weeks or months or years prior
09:45:36 23 could the date have been?

09:45:36 24 A. I can recall putting --

09:45:40 25 MR. JONES: Judge, Judge, this is asking for

09:45:42 1 speculation.

09:45:44 2 THE COURT: Would you rephrase?

09:45:46 3 MR. COLE: Yes. Let me rephrase.

09:45:48 4 BY MR. COLE:

09:45:48 5 Q. What was the farthest back you saw a date that Mr. Baig
09:45:52 6 had printed out on a sheet?

09:45:54 7 A. I believe it was about 2008.

09:45:58 8 Q. And that was -- and you saw this new 2008 sheet in 2010
09:46:06 9 when you were working for him; is that right?

09:46:08 10 A. Yes.

09:46:08 11 Q. And would it be frequently to see dates that were several
09:46:12 12 years earlier?

09:46:12 13 MR. JONES: Judge, I object to the form of that
09:46:14 14 question.

09:46:14 15 BY MR. COLE:

09:46:16 16 Q. How frequently would you see dates that were earlier by a
09:46:20 17 couple years?

09:46:20 18 MR. JONES: Judge, he puts his own answer in.

09:46:24 19 THE COURT: Correct. Sustained.

09:46:24 20 BY MR. COLE:

09:46:26 21 Q. Just describe in general the dates that you saw on these
09:46:28 22 charts.

09:46:28 23 A. I would see the dates maybe starting from 2008, depending
09:46:34 24 on what is missing, all the way up until current.

09:46:38 25 Q. Approximately how many printouts, result printouts, did

09:46:46 1 you see Mr. Baig do?

09:46:46 2 A. I seen him do a lot of printouts.

09:46:50 3 MR. JONES: Judge, I object to that answer.

09:46:52 4 THE COURT: It may stand.

09:46:56 5 BY MR. COLE:

09:46:58 6 Q. Can you be more specific when you say "a lot"?

09:47:02 7 A. Every chart that I placed on the floor to be taken to
09:47:06 8 Dr. Baig, the chart was corrected.

09:47:08 9 MR. JONES: Judge, I object. That doesn't answer the
09:47:10 10 question.

09:47:10 11 MR. COLE: I think it does answer the question.

09:47:12 12 THE COURT: All right. The answer stands.

09:47:14 13 BY MR. COLE:

09:47:16 14 Q. Approximately how many charts were this?

09:47:16 15 A. It was a pile as high as my waist sometimes.

09:47:22 16 Q. Now, you said that you then would file the sheet that
09:47:36 17 Mr. Baig had created; is that right?

09:47:38 18 A. Yes.

09:47:38 19 Q. Would there be anyone's signatures on these sheets?

09:47:40 20 A. Yes.

09:47:40 21 Q. Whose signature?

09:47:42 22 A. Dr. Chhibber.

09:47:44 23 Q. How often would Dr. Chhibber's signature appear on these
09:47:48 24 sheets?

09:47:48 25 A. When I filed it away, his signature was on there every

09:47:52 1 time.

09:47:52 2 Q. How do you know it was his signature?

09:47:56 3 A. Because I saw him sign before.

09:47:58 4 Q. Did you ever work in the front desk?

09:48:02 5 A. Yes.

09:48:02 6 Q. What did you do?

09:48:04 7 A. I would answer the phone and sometimes take the charts to
09:48:08 8 Dr. Chhibber's office and call the next patient or have a
09:48:12 9 patient sign in.

09:48:14 10 Q. Did you ever take copays from patients?

09:48:22 11 A. No.

09:48:22 12 Q. Why not?

09:48:22 13 A. I can recall on maybe about one time, one or two times,
09:48:28 14 because the patient would be an immigrant, and you would have
09:48:32 15 to --

09:48:32 16 MR. JONES: Judge, this doesn't answer the question.
09:48:34 17 I think his question was really --

09:48:36 18 THE COURT: All right. Would you put another
09:48:38 19 question.

09:48:38 20 BY MR. COLE:

09:48:40 21 Q. Why did you not collect copays from patients?

09:48:46 22 A. I was told not to.

09:48:46 23 Q. Who told you?

09:48:48 24 A. I was told by Tyanna.

09:48:50 25 Q. When did this conversation --

09:48:50 1 MR. JONES: Judge, I object. That's hearsay.

09:48:52 2 MR. COLE: Not for the truth, your Honor.

09:48:54 3 THE COURT: Sustained.

09:48:54 4 BY MR. COLE:

09:49:00 5 Q. Did patients ever ask you about copayments?

09:49:02 6 A. No.

09:49:04 7 Q. Now, at some point, did you become aware of a law
09:49:12 8 enforcement investigation into the defendant's clinic?

09:49:16 9 A. Yes.

09:49:16 10 Q. When was that?

09:49:16 11 A. This was the summer of 2010.

09:49:18 12 Q. How is it that you first became aware of this?

09:49:22 13 A. I was informed by Twahki.

09:49:28 14 Q. Did you ever have any conversations with the defendant
09:49:30 15 about this?

09:49:30 16 A. No.

09:49:30 17 Q. Now, did the defendant give you any instructions about
09:49:36 18 handling phone calls from people asking questions about the
09:49:40 19 clinic?

09:49:40 20 A. Yes.

09:49:42 21 Q. When --

09:49:42 22 MR. JONES: Excuse me. Judge, I didn't hear the
09:49:44 23 question.

09:49:44 24 THE COURT: All right. I will ask the court reporter
09:49:48 25 to read back the question.

09:49:54 1 (Record read.)

09:49:58 2 THE WITNESS: Yes.

09:49:58 3 BY MR. COLE:

09:49:58 4 Q. When did this conversation take place?

09:50:00 5 A. This took place after Twahki informed me about the

09:50:04 6 investigation.

09:50:04 7 Q. Where did this conversation take place?

09:50:06 8 A. It took place -- I was in the front office, and I was

09:50:10 9 informed not to answer any questions about the clinic.

09:50:14 10 Q. Who informed you of this?

09:50:14 11 A. Dr. Chhibber.

09:50:16 12 Q. Who else was with you?

09:50:18 13 A. Me and Tyanna and Twahki was in the front office.

09:50:22 14 Q. Now, at some point, did you notice a change in the

09:50:26 15 frequency you were being asked to perform tests?

09:50:28 16 A. Yes.

09:50:28 17 Q. When was that?

09:50:30 18 A. This was after the fact that I was informed about the

09:50:36 19 investigation.

09:50:36 20 Q. Can you describe for the jury the change in the frequency

09:50:42 21 that you personally were asked to order tests, to perform

09:50:44 22 tests.

09:50:46 23 A. I noticed that the tests were not being performed as

09:50:50 24 often, and the patients would say --

09:50:54 25 MR. JONES: Judge, I am going to object to any

09:50:56 1 hearsay.

09:50:56 2 THE COURT: All right. Anything after often is

09:51:00 3 stricken.

09:51:00 4 BY MR. COLE:

09:51:00 5 Q. Just focusing on what you personally did, what tests were

09:51:04 6 you performing less often?

09:51:06 7 A. The nerve conduction, EKG, ICG, and PFT, and AVI.

09:51:12 8 Q. Can you describe approximately the extent of this change.

09:51:16 9 A. Can you be a little more detailed?

09:51:20 10 Q. How dramatic was this decrease in the number of tests you

09:51:24 11 were asked to perform?

09:51:24 12 A. I would say probably 50 percent. It was cut in half.

09:51:28 13 Q. When did you leave the defendant's employment?

09:51:38 14 A. It was October 2010.

09:51:40 15 Q. Why did you leave?

09:51:40 16 A. I left because the investigative authorities came in and

09:51:48 17 -- into the office, and they were looking for Tyanna, and I

09:51:54 18 was afraid, and I was uncomfortable.

09:51:56 19 Q. Did you talk to the defendant before you left?

09:51:58 20 A. No.

09:51:58 21 Q. Have you talked to him since you left?

09:52:04 22 A. Yes.

09:52:04 23 Q. When was this?

09:52:06 24 A. This was 2011 in January in regards to a W-2.

09:52:12 25 Q. Where did this conversation take place?

09:52:16 1 A. In the office.

09:52:18 2 Q. Who was present?

09:52:20 3 A. Tyanna was in the front office, and Dr. Chhibber and I
09:52:26 4 were in his office in the front room, the first room, the
09:52:32 5 patient's room.

09:52:32 6 Q. Can you describe for the jury that conversation with the
09:52:36 7 defendant.

09:52:36 8 A. I asked him about the W-2s, and also he asked me if I
09:52:44 9 wanted to come back and work with him.

09:52:46 10 Q. What did you tell him?

09:52:48 11 A. I told him I would think about it and get back to him.

09:52:50 12 Q. Have you gotten back to him?

09:52:52 13 A. No.

09:52:52 14 Q. I am going to show you several exhibits, Government
09:53:00 15 Exhibit 624, 625, 627, 630, 631, and 632.

09:53:06 16 MR. JONES: Excuse me. Let me just see them for a
09:53:10 17 second.

09:53:10 18 THE COURT: Have these exhibits been introduced in
09:53:12 19 evidence before?

09:53:14 20 MR. COLE: 624, 625, 627 are in evidence. The other
09:53:18 21 three are not in evidence, and I won't publish any information
09:53:20 22 about them.

09:53:22 23 THE COURT: All right.

09:53:26 24 BY MR. COLE:

09:53:58 25 Q. Looking at the second page of Exhibit 624, it's going to

09:54:04 1 be on the screen in front of you. This is in evidence.

09:54:18 2 Focusing on the diagnosis section at the bottom and
09:54:20 3 the clear box on the right side as well, do you recognize the
09:54:24 4 handwriting on this?

09:54:26 5 A. Yes.

09:54:26 6 Q. Whose handwriting is it?

09:54:28 7 A. Dr. Chhibber.

09:54:28 8 Q. Okay. Next page of that same exhibit, focusing on the
09:54:34 9 diagnosis section on the bottom, whose handwriting is that?

09:54:38 10 A. Dr. Chhibber.

09:54:38 11 Q. Okay. Focusing on the diagnosis section on the bottom,
09:54:42 12 whose handwriting?

09:54:44 13 A. Dr. Chhibber.

09:54:44 14 Q. Diagnosis section, whose handwriting is on there?

09:54:48 15 A. Dr. Chhibber.

09:54:48 16 Q. Diagnosis section and also the section in the box on the
09:54:54 17 right, whose handwriting is that?

09:54:54 18 A. Dr. Chhibber.

09:54:56 19 Q. Same with this one?

09:55:00 20 A. Yes.

09:55:00 21 Q. Is Dr. Chhibber's handwriting on this?

09:55:04 22 A. No.

09:55:04 23 Q. Next page?

09:55:08 24 A. No.

09:55:08 25 Q. Whose handwriting?

09:55:10 1 A. Dr. Chhibber.

09:55:16 2 Dr. Chhibber.

09:55:16 3 Dr. Chhibber.

09:55:20 4 Dr. Chhibber.

09:55:22 5 Dr. Chhibber.

09:55:24 6 Dr. Chhibber.

09:55:26 7 MR. JONES: I gather that -- is this the same
09:55:28 8 question regarding just the diagnosis box?

09:55:32 9 MR. COLE: We can ask about everything in particular,
09:55:34 10 but I want you to focus on the diagnosis box at the bottom and
09:55:38 11 that white box on the right side, in the middle.

09:55:48 12 BY MR. COLE:

09:55:48 13 Q. Could you look through the rest of the Government
09:55:52 14 Exhibit 624 and also 625, 627, and the other three that are in
09:55:56 15 front of you as well, just thumb through them and look to see
09:56:00 16 if you recognize Dr. Chhibber's handwriting. Those exhibits
09:56:02 17 right there: 624, 625, 637, 630, 631, and 632.

09:57:08 18 If you find any that aren't the defendant's, pull
09:57:10 19 them out.

09:59:52 20 Are you finished looking through them?

09:59:56 21 A. Yes.

09:59:56 22 Q. Are those in the handwriting of the defendant?

09:59:58 23 A. Some portions of them are and other ones have --

10:00:04 24 Q. You pulled out a couple?

10:00:04 25 A. Yes.

10:00:06 1 Q. Can I take a look at them?

10:00:24 2 Other than the four pages that you handed to me, are
10:00:28 3 the rest of them in the defendant's handwriting?

10:00:30 4 A. Yes.

10:00:30 5 Q. And even the ones you handed to me, are there some -- are
10:00:34 6 you referring to the investigation box on the right?

10:00:38 7 A. Yes.

10:00:38 8 Q. Where some parts of them are in the defendant's
10:00:40 9 handwriting; is that right?

10:00:42 10 A. Yes.

10:00:42 11 Q. And some are not?

10:00:44 12 MR. JONES: Judge, if we are going to do this, we
10:00:46 13 need numbers on them. This is like in a vacuum.

10:00:48 14 THE COURT: Yes, and not leading questions.

10:00:50 15 BY MR. COLE:

10:00:50 16 Q. In terms of the diagnosis section, are they all in the
10:00:56 17 defendant's handwriting at the bottom?

10:00:58 18 MR. JONES: Judge, we still need numbers. I don't
10:01:02 19 know what exhibit he's talking about.

10:01:06 20 MR. COLE: They're all in defendant's handwriting.

10:01:06 21 THE COURT: Show Mr. Jones what you are showing the
10:01:08 22 witness for the record so he can be totally clear what
10:01:20 23 documents these are.

10:01:46 24 BY MR. COLE:

10:01:54 25 Q. All the diagnoses sections are in the defendant's

10:01:56 1 handwriting; is that correct?

10:01:58 2 A. Yes.

10:01:58 3 MR. COLE: I have no further questions, your Honor.

10:02:00 4 THE COURT: Cross-examination.

10:02:02 5 MR. JONES: Thank you, Judge.

10:02:02 6 - - -

10:02:02 7 FAITH WASHINGTON, CROSS-EXAMINATION

10:02:02 8 BY MR. JONES:

10:02:28 9 Q. Ms. Washington, I want to talk to you about this basement.

10:02:32 10 You said there came a time when the doctor asked you to help
10:02:36 11 out with files in the basement; is that correct?

10:02:38 12 A. Yes.

10:02:38 13 Q. And that was sometime during the summer of 2010; is that
10:02:38 14 right?

10:02:44 15 A. Yes.

10:02:44 16 Q. And that basement we are talking about, that basement was
10:02:50 17 a total mess, wasn't it?

10:02:54 18 A. Yes.

10:02:54 19 Q. It had files everywhere, did it not?

10:02:58 20 A. Yes.

10:02:58 21 Q. And what you were asked to do was to go through and look
10:03:06 22 through all of those files and try to put documents together;
10:03:08 23 isn't that true?

10:03:10 24 A. No.

10:03:10 25 Q. Are you saying that the only documents that you were asked

10:03:14 1 to try and put something together were just ultrasound

10:03:18 2 documents?

10:03:18 3 A. No.

10:03:20 4 Q. Well, what other kind of documents did you work on?

10:03:22 5 A. I was asked to bring the boxes upstairs so we could sort

10:03:28 6 through them.

10:03:28 7 Q. And these boxes contained -- they were a variety of

10:03:34 8 different kinds of charts and files, were they not?

10:03:36 9 A. Yes.

10:03:38 10 Q. They didn't all result -- they weren't all about just

10:03:42 11 ultrasounds, were they?

10:03:44 12 A. No.

10:03:44 13 Q. In fact, you knew, did you not, that during the summer

10:03:50 14 of 2010, the doctor was making preparations to move his

10:03:54 15 office? You knew that, didn't you?

10:03:56 16 A. Yes.

10:03:56 17 Q. All right. And that people were trying to get these boxes

10:04:02 18 organized; isn't that correct?

10:04:06 19 A. No.

10:04:06 20 Q. Well, didn't you tell the FBI that a person named Mr. Q,

10:04:14 21 you remember that?

10:04:14 22 A. Yes.

10:04:14 23 Q. You told the FBI that Mr. Q helped complete the clean-up.

10:04:20 24 Isn't that what you told the FBI?

10:04:24 25 A. No.

10:04:24 1 Q. You were interviewed by the FBI on September 30th, 2011;
10:04:24 2 is that correct?

10:04:52 3 A. I believe that date is correct.

10:04:54 4 Q. And I am going to ask you, didn't you tell the FBI on that
10:04:58 5 day that Holmes' uncle, known to Washington as Q, was hired to
10:05:04 6 complete the job? Isn't that what you told the FBI?

10:05:08 7 A. Not complete the job, but he was there to bring up the
10:05:10 8 boxes that were heavy.

10:05:12 9 Q. No, I'm asking you a very specific question. Didn't you
10:05:16 10 tell the FBI --

10:05:16 11 MR. COLE: Objection, your Honor.

10:05:18 12 THE COURT: Overruled.

10:05:18 13 BY MR. JONES:

10:05:20 14 Q. Didn't you tell the FBI that he was there to complete the
10:05:22 15 job?

10:05:24 16 A. I can't recall.

10:05:24 17 Q. And, incidentally, this Mr. Q, he wasn't any kind of
10:05:40 18 trained technician, was he?

10:05:42 19 A. No.

10:05:42 20 Q. He was a clean-up guy, wasn't he?

10:05:44 21 A. Yes.

10:05:44 22 Q. Now, with respect to records that you were helping to do
10:05:52 23 the organization, you have no way of knowing the records that
10:05:58 24 you say were not there, you have no way of knowing whether
10:06:00 25 those records were just misfiled; isn't that right?

10:06:06 1 A. I don't understand what you're asking.

10:06:08 2 Q. You have no way of knowing, do you, ma'am, whether the
10:06:12 3 records that were missing existed at one time?

10:06:18 4 Do you understand my question?

10:06:20 5 A. No, I don't.

10:06:22 6 Q. You have no way of knowing, these records that you say you
10:06:26 7 put the stickies on because they were missing; isn't that
10:06:30 8 right?

10:06:30 9 A. Yes.

10:06:30 10 Q. You have no way of knowing whether that record really
10:06:34 11 existed at one time, do you?

10:06:36 12 A. No.

10:06:38 13 Q. Now, with respect to ordering tests, you told the FBI that
10:07:06 14 there would be occasions where tests were ordered without
10:07:10 15 Dr. Chhibber's permission; isn't that correct?

10:07:22 16 A. Can you rephrase that?

10:07:22 17 Q. Yes. I think you told the FBI that there were occasions,
10:07:28 18 for instance, that Twahki and Tyanna told you to do a test; is
10:07:28 19 that right?

10:07:40 20 A. Yes.

10:07:40 21 Q. And they hadn't talked to the doctor. They said they
10:07:42 22 would say to you, Well, we think this is what the doctor would
10:07:46 23 want. Isn't that what you told the FBI?

10:07:48 24 A. Yes.

10:07:48 25 Q. And as far as ordering Dr. Chhibber asking people to --

10:08:56 1 ordering tests over the telephone, you told the FBI on
10:09:00 2 November 12th, 2010, that it was your belief that Dr. Chhibber
10:09:06 3 only ordered tests for the patients he knew well; isn't that
10:09:10 4 what you told the FBI?
10:09:12 5 A. Yes.
10:09:12 6 Q. Now, you say that there came a time in your mind when you
10:09:28 7 were doing less tests; is that correct?
10:09:32 8 A. Sorry. What type of tests?
10:09:32 9 Q. You said there came a time when you felt that you were
10:09:36 10 doing fewer tests; is that correct?
10:09:38 11 A. Yes.
10:09:38 12 Q. Now, during all the times that you met with the
10:09:42 13 government, did you ever put together a pile of documents and
10:09:46 14 say, Hey, look, this is what I was doing before, this is what
10:09:50 15 I was doing after? Did you ever do that?
10:09:54 16 A. Put together a pile of documents?
10:09:56 17 Q. Yeah. Did the government ever show you a pile of
10:09:58 18 documents and ask you to put -- do the pile that you say I was
10:10:02 19 doing before, and here is what I was doing later? Did the
10:10:04 20 government ever ask you to do that?
10:10:08 21 A. What kind of documents are you referring to?
10:10:10 22 Q. Did the government ever ask you to make a comparison
10:10:14 23 between the time when you said you were doing more tests and
10:10:16 24 the time later where you say you were doing less tests? Did
10:10:22 25 the government ever ask you to do that?

10:10:24 1 A. I don't understand what you're asking me, sir.

10:10:26 2 Q. Let me see if I can break this down to you.

10:10:30 3 You say there was a time when you were doing more
10:10:32 4 tests; is that correct?

10:10:32 5 A. Yes.

10:10:32 6 Q. Then you said there was a time when you were doing less
10:10:36 7 tests, right?

10:10:38 8 A. Yes.

10:10:38 9 Q. Did the government ever ask you compile documents that
10:10:42 10 would demonstrate this to us? Did they ever ask you to do
10:10:46 11 that?

10:10:46 12 A. No.

10:10:48 13 Q. You say that there came a time when you were scared by the
10:10:54 14 FBI, right?

10:10:56 15 A. Not scared by them.

10:10:58 16 Q. Well, you felt uncomfortable?

10:11:00 17 A. Yes.

10:11:00 18 Q. And you said there comes a time when it became known that
10:11:06 19 an investigation was going on; is that right?

10:11:06 20 A. Yes.

10:11:10 21 Q. Well, the FBI, you admit they are an intimidating force,
10:11:18 22 are they not?

10:11:18 23 MR. COLE: Objection, your Honor.

10:11:20 24 THE COURT: Sustained.

10:11:20 25 BY MR. JONES:

10:11:22 1 Q. Well, when the -- when people knew that there was an
10:11:26 2 investigation going on, there were less clients, weren't
10:11:28 3 there?

10:11:28 4 A. No.

10:11:30 5 Q. Your answer is no?

10:11:32 6 A. My answer is no.

10:11:34 7 Q. And do you base that -- that's your generalized feeling,
10:11:40 8 or have you done some document test or document comparison?

10:11:46 9 Is that -- your answer is based upon your generalized
10:11:50 10 feeling that there were still the same amount of patients?

10:11:54 11 A. Yes, there were. In the very beginning --

10:12:00 12 Q. No, I don't have any question pending.

10:12:02 13 I do have this question for you. Your mother's name
10:12:16 14 is Lula (phonetic) Washington; is that correct?

10:12:18 15 A. Yes.

10:12:18 16 Q. And I want you to remember that you are under oath. Did
10:12:24 17 there come a time when you observed --

10:12:26 18 MR. COLE: Objection, your Honor.

10:12:28 19 THE COURT: Overruled.

10:12:28 20 BY MR. JONES:

10:12:30 21 Q. I want you to remember you are under oath. Did there come
10:12:32 22 a time when you presented your mother to treatment to
10:12:36 23 Dr. Chhibber under a phony name and a phony Medicare card?

10:12:42 24 A. Yes.

10:12:42 25 Q. Uh-huh. So having done that little trick with a phony

10:12:54 1 Medicare card and presenting your mother under a phony name,
10:13:00 2 when the FBI came, it wasn't that you were scared that
10:13:04 3 Dr. Chhibber had committed fraud. You knew you had committed
10:13:08 4 fraud; isn't that true?

10:13:10 5 A. No.

10:13:10 6 Q. Well, you don't think it's fraud to present someone under
10:13:16 7 a fraudulent name and a phony Medicare card?

10:13:18 8 A. Yes.

10:13:20 9 Q. So when you heard that the FBI walked in that door, you
10:13:28 10 didn't even come back to get your clothes, did you?

10:13:30 11 A. I can't recall if I left anything.

10:13:34 12 Q. The truth of the matter is, when you heard that the FBI
10:13:38 13 was at the door, you said, Feet, don't fail me now; isn't that
10:13:42 14 what you did?

10:13:42 15 A. No.

10:13:42 16 Q. And, incidentally, during all this time that you worked
10:13:54 17 with the government and you were so helpful with the
10:13:58 18 government, did you tell the government that you had committed
10:14:00 19 fraud?

10:14:02 20 A. No.

10:14:02 21 Q. Because knowing that you had committed fraud, you wanted
10:14:08 22 to be on the government's team, didn't you?

10:14:10 23 A. No.

10:14:12 24 Q. Because you knew it was the United States of America that
10:14:16 25 could put you in jail for the count of fraud you committed;

10:14:20 1 isn't that true?

10:14:20 2 A. No.

10:14:20 3 Q. And, incidentally, when you committed this little fraud

10:14:28 4 that you did, you had some cohorts at the office. Tyanna

10:14:34 5 helped you commit this fraud, didn't she?

10:14:36 6 A. No.

10:14:36 7 Q. Didn't Tyanna help present the fraudulent ID at the

10:14:42 8 reception desk so that you could pull this little stunt off?

10:14:46 9 A. No, she was unaware.

10:14:48 10 Q. Was it Twahki that helped you pull this little fraud off?

10:14:54 11 A. No, she was not aware.

10:14:56 12 Q. You did this little fraud all on your own?

10:14:58 13 A. Yes, I did.

10:15:00 14 Q. What other little pieces of fraud did you commit?

10:15:04 15 A. None.

10:15:06 16 MR. COLE: Objection, your Honor.

10:15:06 17 THE COURT: Sustained.

10:15:06 18 MR. JONES: One moment, your Honor.

10:15:06 19 (Brief pause.)

10:15:48 20 MR. JONES: Judge, I don't have anything else for
10:15:50 21 this witness.

10:15:50 22 THE COURT: Any redirect?

10:15:54 23 - - -

10:15:54 24 FAITH WASHINGTON, REDIRECT EXAMINATION

10:15:54 25 BY MR. COLE:

10:15:56 1 Q. Remember when you were asked questions about the number of
10:15:58 2 procedures that you administered without the defendant's
10:16:00 3 permission?

10:16:02 4 A. Yes.

10:16:02 5 Q. Did Dr. Chhibber ever tell you afterwards that you
10:16:04 6 shouldn't have performed the test?

10:16:08 7 A. No.

10:16:08 8 Q. Did he ever tell you not to do that?

10:16:08 9 A. No.

10:16:08 10 Q. Now, in your answering questions today, you understand
10:16:14 11 that you have been under oath the entire time?

10:16:16 12 A. Yes, I do.

10:16:18 13 MR. COLE: No other questions.

10:16:20 14 THE COURT: Anything further?

10:16:20 15 MR. JONES: No. I've had enough, Judge.

10:16:24 16 THE COURT: Ms. Washington, you are excused.

10:16:40 17 (Witness excused.)

10:16:40 18 MR. COLE: The government calls Alan Vaval.

10:17:08 19 (Witness sworn.)

10:17:08 20 THE COURT: Please be seated and tell us your full
10:17:12 21 name, spelling your last name.

10:17:12 22 THE WITNESS: Alan Vaval, V-a-v-a-l.

10:17:18 23 - - -

10:17:18 24 ALAN VAVAL, DIRECT EXAMINATION

10:17:18 25 BY MR. COLE:

10:17:20 1 Q. Mr. Vaval, are you a student?

10:17:22 2 A. Yes, I am.

10:17:24 3 Q. Where?

10:17:24 4 A. Western University Illinois.

10:17:26 5 Q. What's your major?

10:17:26 6 A. Law enforcement.

10:17:28 7 Q. When do you think you are going to graduate?

10:17:30 8 A. 2013, May of 2013.

10:17:32 9 Q. Are you enrolled full time right now?

10:17:34 10 A. Yes, I am.

10:17:36 11 Q. Do you also work?

10:17:38 12 A. Yes, I do.

10:17:38 13 Q. Can you describe that for the jury.

10:17:40 14 A. I'm a football film person.

10:17:44 15 Q. What does that mean?

10:17:46 16 A. I film the games and the practices of the football

10:17:56 17 players.

10:17:56 18 Q. Are you on one of those scissor lifts?

10:17:58 19 A. Usually in the press box.

10:18:00 20 Q. How many hours a week do you work?

10:18:02 21 A. Twenty.

10:18:04 22 Q. How long have you been at Western?

10:18:08 23 A. I have been there for three semesters.

10:18:10 24 Q. And did you go to school before that?

10:18:12 25 A. Yes, I did.

10:18:14 1 Q. Where was that?

10:18:16 2 A. I went to South Suburban College.

10:18:18 3 Q. And did you get a degree from South Suburban College?

10:18:22 4 A. I got a criminal justice degree, associate's degree.

10:18:28 5 Q. When was that?

10:18:28 6 A. 2007.

10:18:28 7 Q. Now, between the time you finished up at South Suburban

10:18:32 8 and you started at Western, what did you do?

10:18:34 9 A. I worked at a car dealership called CarMax.

10:18:38 10 Q. What years did you work at CarMax?

10:18:40 11 A. From 2007 to 2011.

10:18:44 12 Q. Can you describe for the jury what you did at CarMax?

10:18:46 13 A. At CarMax, I was a detailer. I made sure the interior and

10:18:52 14 exterior of the cars were in perfect condition.

10:18:54 15 Q. Did you work full time or part time?

10:18:58 16 A. Full time.

10:18:58 17 Q. Did you have any benefits?

10:18:58 18 A. Yes, I did.

10:19:00 19 Q. What kind of benefits did you have?

10:19:00 20 A. I had medical and dental benefits.

10:19:04 21 Q. Who was your medical insurance through?

10:19:06 22 A. Blue Cross/Blue Shield.

10:19:08 23 Q. Now, are you familiar with the defendant in this case,

10:19:10 24 Dr. Jaswinder Chhibber?

10:19:18 25 A. Yes, I am.

10:19:20 1 Q. How are you familiar with him?

10:19:20 2 A. I went to his clinic.

10:19:22 3 Q. Do you remember when, approximately, was the first time

10:19:24 4 you went to his clinic?

10:19:24 5 A. Fall of '08, as I remember.

10:19:26 6 Q. Approximately how many times have you been to his clinic?

10:19:28 7 A. Two times.

10:19:30 8 Q. How did you get to the clinic the times you went there?

10:19:36 9 A. I drove both times.

10:19:36 10 Q. How did you choose this clinic?

10:19:40 11 A. Through a reference from a friend.

10:19:42 12 Q. Now, I want you to think of the first time you went to his

10:19:48 13 clinic. Tell the jury why you went there.

10:19:50 14 A. The first time I went to the clinic, I was there for STD

10:19:54 15 checkup.

10:19:54 16 Q. Why did you want to go get an STD checkup?

10:20:00 17 A. I had a sexual experience with a girl unprotected, so I

10:20:06 18 wanted to have a checkup. I was nervous and curious about my

10:20:10 19 health.

10:20:10 20 Q. Were you experiencing any symptoms you were worried about?

10:20:14 21 A. No symptoms.

10:20:16 22 Q. And had you previously received any STD education?

10:20:18 23 A. Yes, at South Suburban College.

10:20:20 24 Q. When was this?

10:20:22 25 A. 2007.

10:20:24 1 Q. And as part of this education, did they tell you anything
10:20:28 2 about STD testing?
10:20:30 3 A. They told me to just get tested every year, if possible.
10:20:34 4 Q. And had you been tested for STDs previously to seeing the
10:20:44 5 defendant?
10:20:44 6 A. Yes.
10:20:44 7 Q. When was that?
10:20:44 8 A. I would guess 2007.
10:20:46 9 Q. Have you been to the defendant's clinic since 2008?
10:20:50 10 A. No.
10:20:52 11 Q. In any of your visits to the defendant, did you ever
10:20:56 12 complain of chest pain?
10:20:58 13 A. No, I haven't.
10:20:58 14 Q. Did you ever complain of shortness of breath?
10:21:00 15 A. No.
10:21:00 16 Q. In any of your visits, did you ever complain of dizziness?
10:21:04 17 A. No.
10:21:04 18 Q. Did you ever complain of abdominal pain?
10:21:08 19 A. No.
10:21:08 20 Q. Did you ever tell the defendant -- I'm sorry.
10:21:14 21 Did the defendant ever tell you that he was worried
10:21:16 22 that you were at a risk for stroke because he heard a sound
10:21:18 23 when listening to the blood flow through the arteries of your
10:21:24 24 neck?
10:21:24 25 A. No.

10:21:24 1 Q. Now, focusing on your first visit with the defendant, can
10:21:30 2 you describe what happened when you first walked into his
10:21:34 3 clinic.

10:21:34 4 A. When I first walked into his clinic, I went to the
10:21:38 5 reception desk. The receptionist asked what I was here for.
10:21:42 6 I was like, STD checkup. She made me sign in. Then she gave
10:21:46 7 me insurance forms.

10:21:48 8 I sat down, filled out the insurance forms, turned it
10:21:52 9 back in to her. She said to sit in the lobby and wait until
10:21:56 10 somebody comes to get you.

10:21:56 11 Q. Let me show you what's been marked as Government
10:22:00 12 Exhibit 360, page 16. Do you recognize that?

10:22:06 13 A. Yes.

10:22:06 14 Q. What is that?

10:22:10 15 A. My insurance card.

10:22:12 16 Q. And is that a copy of the card you gave the defendant?

10:22:16 17 A. Yes.

10:22:16 18 Q. Now, if you look at the top right of that card, if you can
10:22:22 19 focus on that, can you see what it says?

10:22:24 20 A. Blue Cross/Blue Shield.

10:22:26 21 Q. And right below that?

10:22:28 22 A. Members costs?

10:22:38 23 Q. Yes. And under "copay," do you see what that says?

10:22:40 24 A. \$20.

10:22:40 25 Q. Let me show you what's marked as Government Exhibit 360,

10:22:44 1 page 23. Do you recognize this?

10:22:48 2 A. Yes.

10:22:50 3 Q. What is that?

10:22:52 4 A. The registration form for the clinic.

10:22:56 5 Q. Is that your signature at the bottom?

10:22:58 6 A. Yes, it is.

10:22:58 7 Q. Now, you see the middle section says, Insurance

10:23:02 8 information. Do you see that?

10:23:04 9 A. Yes.

10:23:04 10 Q. But that's crossed out, right?

10:23:06 11 A. Right.

10:23:06 12 Q. But you did give them your insurance card, right?

10:23:10 13 A. Yes.

10:23:10 14 Q. So after filling out these forms, what happened next?

10:23:14 15 A. I stayed in the waiting room for like a couple of hours.

10:23:20 16 Q. A couple of hours?

10:23:24 17 A. Yes.

10:23:24 18 Q. Then what happened?

10:23:24 19 A. Then a nurse came to get me and brought me to a patient

10:23:28 20 room. She took my vitals. After she took my vitals, another

10:23:34 21 nurse walked me to the back and told me to pee in a cup, and

10:23:36 22 she brought me back to this room and took my blood.

10:23:42 23 Q. Can you describe what vitals they took?

10:23:44 24 A. They took -- listened to my heart. They also put the

10:23:52 25 stethoscope on my stomach, told me to breathe in, breathe out,

10:23:58 1 put it in my back, breathe in, breathe out. They did the air
10:24:02 2 check and took my height and weight.

10:24:04 3 Q. Can you describe the nurse that did these vitals?

10:24:10 4 Male or female?

10:24:12 5 A. It was a female.

10:24:14 6 Q. Do you remember anything about her other than that?

10:24:16 7 A. She had long hair, really dark-skinned.

10:24:22 8 Q. So after she took your vitals, what happened next?

10:24:26 9 A. She told me to go back into the waiting room and wait for
10:24:30 10 Dr. Chhibber.

10:24:30 11 Q. How long did you wait?

10:24:32 12 A. For a couple of minutes.

10:24:36 13 Q. Then what happened --

10:24:38 14 A. Fifteen minutes.

10:24:40 15 Q. What happened next?

10:24:40 16 A. He came with my file in his hand and told me to come back
10:24:46 17 into the patient room.

10:24:46 18 Q. Let me stop you. Who came?

10:24:48 19 A. Dr. Chhibber.

10:24:50 20 He asked me why I was here for. And I was like, STD
10:24:54 21 checkup.

10:24:54 22 Q. Let me just stop you. Where did he ask you these
10:24:56 23 questions?

10:24:56 24 A. In the patient room.

10:24:58 25 Q. And so describe for the jury what happened when you first

10:25:00 1 got back to the patient room.

10:25:02 2 A. We walked in. I sat on the table, patient table. He then

10:25:12 3 looked at my file and asked me what was I here for. And I was

10:25:16 4 like, STD checkup. He took my vitals again. And then --

10:25:22 5 Q. When you say he took your vitals, what do you mean?

10:25:26 6 A. Checked my breathing, checked my heart, listened to my

10:25:32 7 heart, and that was it.

10:25:36 8 Q. Did he ask you any questions about your history?

10:25:38 9 A. Yes, he asked me did I ever have asthma.

10:25:42 10 Q. What did you tell him?

10:25:44 11 A. I said as a young child I did, but now as an adult, I

10:25:48 12 don't have it.

10:25:50 13 Q. What else did he ask you?

10:25:50 14 A. He asked me do I have any pain, having chest pain.

10:26:00 15 Q. What did you tell him?

10:26:00 16 A. I said no. Have I ever been dizzy? I said no.

10:26:08 17 Q. Ask you anything about --

10:26:10 18 MR. JONES: Judge, I am going to object. He can

10:26:12 19 relate the conversation.

10:26:12 20 THE COURT: Yes. Don't lead him, in other words.

10:26:20 21 BY MR. COLE:

10:26:20 22 Q. Did he ask you anything pertinent in relation to your

10:26:24 23 sexually transmitted disease testing?

10:26:28 24 A. No.

10:26:28 25 Q. You said that he listened to your heart with a

10:26:30 1 stethoscope?

10:26:30 2 A. Yes.

10:26:30 3 Q. What position were you in when he listened to your heart?

10:26:34 4 A. I was sitting on the patient's table.

10:26:36 5 Q. Did he ask you to lie down?

10:26:38 6 A. No.

10:26:38 7 Q. Did he ask you to roll over on the left side or the right
10:26:42 8 side?

10:26:42 9 A. No.

10:26:42 10 Q. Did he ask you to get down off the table and squat down?

10:26:50 11 A. No.

10:26:50 12 Q. Did the defendant make any comments about your heart?

10:26:52 13 A. All he said was that I had an irregular heartbeat,
10:26:58 14 something about maybe a murmur.

10:27:00 15 Q. Now, you talked to law enforcement about your visit with
10:27:04 16 the defendant approximately four times; is that fair?

10:27:08 17 A. Yes. Yes.

10:27:08 18 Q. The first time you ever mentioned that the defendant said
10:27:12 19 you had a murmur was over the weekend; is that right?

10:27:12 20 A. Yes.

10:27:20 21 Q. Now, did the defendant tell you he was going to give you
10:27:22 22 any tests?

10:27:24 23 A. He told me I was going to get a health test.

10:27:32 24 Q. Did he tell you what kind of health test it was?

10:27:34 25 A. He didn't really say. It was just to check my health.

10:27:42 1 That's what he said.

10:27:44 2 Q. Did he say there was something he was worried about he
10:27:48 3 wanted to check up on?

10:27:50 4 MR. JONES: Judge --

10:27:50 5 THE COURT: Sustained.

10:27:52 6 BY MR. COLE:

10:27:52 7 Q. Did he give you any more particular reason as to why he --

10:27:54 8 MR. JONES: Judge, this is what I object to.

10:27:56 9 THE COURT: Sustained. Sustained.

10:27:58 10 BY MR. COLE:

10:27:58 11 Q. Let me show you what's been marked as Government Exhibit

10:28:02 12 360, page 32. Now, focusing on the bottom left, did the

10:28:14 13 defendant ever tell you he was writing down in your chart that
10:28:18 14 you were suffering from chest pain?

10:28:20 15 A. No, he just asked the questions did I have chest pain, and
10:28:26 16 I saw him write down on a piece of paper.

10:28:28 17 Q. Did he ever tell you he was writing down that you were
10:28:32 18 suffering from carotid bruit, or a sound in your neck?

10:28:36 19 A. No.

10:28:36 20 Q. Did he ever tell you that he was writing down that you
10:28:38 21 were suffering from dizziness?

10:28:40 22 A. No.

10:28:40 23 Q. Did he ever tell you that he was writing down that you had
10:28:46 24 penile discharge?

10:28:46 25 A. No.

10:28:48 1 Q. Now, in the two to three times you went to see the
10:28:56 2 defendant, what tests do you remember being performed on you?

10:29:00 3 MR. JONES: Judge, I object to the two or three
10:29:02 4 times. The witness has only said twice.

10:29:04 5 BY MR. COLE:

10:29:04 6 Q. I'm sorry. In the two times you remember seeing the
10:29:08 7 defendant, what tests, if ever, do you remember the defendant
10:29:10 8 performing on you?

10:29:10 9 A. The EKG and ultrasound.

10:29:16 10 Q. What kind of ultrasound?

10:29:16 11 A. To check my heart and to check my abdominal area.

10:29:24 12 Q. Now, when you say "EKG," what do you mean by that?

10:29:32 13 A. He put some leads on my chest and was checking my
10:29:36 14 heartbeat.

10:29:38 15 Q. Now, you previously said that the defendant -- you never
10:29:44 16 told the defendant you were suffering from abdominal pain.

10:29:46 17 Did the defendant tell you why you received an abdominal
10:29:50 18 ultrasound?

10:29:50 19 A. No. He said he was just doing a checkup.

10:30:12 20 MR. COLE: No further questions, your Honor.

10:30:14 21 THE COURT: We are going to take our morning break.
10:30:16 22 Fifteen minutes. The jury is excused.

10:30:18 23 (The jury exits the courtroom.)

10:30:54 24 THE COURT: Sir, you may step down during the break,
10:30:58 25 but please return at quarter to 11:00. We are going to resume

10:31:02 1 then.

10:31:02 2 (The witness leaves the stand.)

10:31:04 3 THE COURT: I was just -- I guess about 10 minutes
10:31:06 4 ago, my courtroom deputy handed me it looks like copies that
10:31:14 5 are unstamped, so I don't know when she received them, but
10:31:20 6 they have today's date as the filing date. It's a motion for
10:31:26 7 evidentiary hearing regarding circumstances of destruction of
10:31:32 8 potentially exculpatory evidence, and the copy she gave he has
10:31:38 9 a lot of blanked out information, and it refers to an exhibit
10:31:44 10 that's not attached.

10:31:50 11 MR. JONES: Judge --

10:31:50 12 THE COURT: If there is a motion, I don't need a
10:31:52 13 redacted version.

10:31:56 14 MR. JONES: I understand. We did that out of an
10:31:58 15 abundance of caution because of this protective order thing.
10:32:04 16 But if I could hand up to the judge the real motion without
10:32:08 17 all of that.

10:32:08 18 MR. HAMMERMAN: Judge, we also request an unredacted
10:32:10 19 full copy.

10:32:12 20 MR. JONES: Okay.

10:32:12 21 THE COURT: You will have a real 15-minute break.

10:32:16 22 MR. JONES: Thank you, Judge.

10:32:18 23 (Short break.)

10:48:00 24 (The jury enters the courtroom.)

10:48:00 25 THE COURT: Sir, you are still under oath. Would you

10:48:04 1 restate your full name for the jury and the court reporter.

10:48:08 2 THE WITNESS: Alan Vaval.

10:48:14 3 THE COURT: Cross-examination.

10:48:14 4 MR. JONES: Thank you, your Honor.

10:48:14 5 - - -

10:48:14 6 ALAN VAVAL, CROSS-EXAMINATION

10:48:14 7 BY MR. JONES:

10:48:18 8 Q. Mr. Vaval, would it be safe to say that since the FBI
10:48:22 9 first approached you in June of 2011 about your visits to
10:48:30 10 Dr. Chhibber that were three years before that, that you have
10:48:34 11 had a great deal of difficulty remembering what happened
10:48:38 12 during those two visits to Dr. Chhibber?

10:48:40 13 A. Yes.

10:48:42 14 Q. In fact, would it be fair to say to you that the
10:48:48 15 government has interviewed you on four separate occasions?
10:48:48 16 Isn't that correct?

10:48:54 17 A. Yes.

10:48:54 18 Q. And that on those four separate occasions, you have given
10:48:58 19 a different version of the story on each of those four
10:49:02 20 separate occasions, haven't you?

10:49:04 21 A. No.

10:49:04 22 Q. Well, let me see if I can help you.

10:49:10 23 You were first approached by the government and
10:49:14 24 interviewed on June 9th, 2011; is that correct?

10:49:18 25 A. Correct.

10:49:18 1 Q. And when you were interviewed on 2011, you told the FBI
10:49:28 2 that it was Dr. Chhibber who performed the ultrasound test on
10:49:34 3 you. That's what you told the FBI, right?
10:49:36 4 A. No.
10:49:40 5 Q. Well, let me -- I'm going to ask you, again, on 6/9/2011,
10:50:00 6 did you tell the FBI, Vaval recalled that Dr. Chhibber was the
10:50:06 7 one who performed the ultrasound? Is that what you told the
10:50:10 8 FBI?
10:50:10 9 A. I told them it was two guys in the office that performed
10:50:14 10 the ultrasound.
10:50:16 11 Q. All right. So what you're saying, you don't remember
10:50:20 12 telling them that; is that what you said?
10:50:22 13 A. No, I am saying I didn't tell them that.
10:50:26 14 Q. Oh, you say you didn't tell them that?
10:50:28 15 A. No.
10:50:28 16 Q. Let me show you what's been marked as Exhibit 1 for this
10:50:34 17 date and time and let me just --
10:50:36 18 MR. COLE: Objection, your Honor. Improper
10:50:38 19 impeachment.
10:50:38 20 THE COURT: All right. Without the fanfare.
10:50:42 21 MR. JONES: I'm sorry, Judge.
10:50:44 22 BY MR. JONES:
10:50:46 23 Q. All right. Can I show you this exhibit and ask, does that
10:50:50 24 refresh your recollection?
10:50:50 25 A. No, sir.

10:51:00 1 Q. It doesn't. All right.

10:51:02 2 Let me ask you some more questions. When the FBI
10:51:06 3 interviewed you on 6/9/2011, you were also certain, you told
10:51:16 4 the FBI that you -- on no occasion that you certainly did not
10:51:20 5 receive an ultrasound of the neck. You told the FBI that, did
10:51:26 6 you not?

10:51:26 7 A. Yes.

10:51:30 8 Q. And you further told the FBI -- in fact, you insisted to
10:51:34 9 the FBI that Dr. Chhibber never listened to your heart. Isn't
10:51:40 10 that what you told the FBI on 6/9/2011?

10:51:44 11 A. No, I told them that he took my vitals. That's listening
10:51:52 12 to the heart.

10:51:52 13 Q. Well, here, let me ask you this. Did you tell the FBI
10:51:56 14 that, Further, Vaval stated that Dr. Chhibber never listens to
10:52:00 15 Vaval's heartbeat? Isn't that what you told the FBI when you
10:52:06 16 first talked to them?

10:52:08 17 MR. COLE: Objection, your Honor. Improper.

10:52:10 18 THE COURT: Overruled.

10:52:10 19 BY MR. JONES:

10:52:10 20 Q. You can answer the question.

10:52:12 21 A. No, sir.

10:52:16 22 Q. All right. Now, the next time you were interviewed by the
10:52:26 23 FBI was approximately four months later on October 9th, 2011.
10:52:34 24 Do you recall that?

10:52:36 25 A. Yes.

10:52:36 1 Q. And, once again, on that second interview, which was four
10:52:42 2 months later, you still insisted to the FBI that it was
10:52:46 3 Dr. Chhibber who had performed the ultrasound test on you; is
10:52:46 4 that correct?

10:52:54 5 A. No, sir. That was the second visit --

10:52:56 6 Q. Just -- my question is, do you recall telling the FBI on
10:53:00 7 October 9th, 2011, that it was Dr. Chhibber who gave you the
10:53:06 8 ultrasound test?

10:53:06 9 A. No.

10:53:10 10 Q. All right. And do you recall telling the FBI that
10:53:18 11 Dr. Chhibber was an Indian or Pakistani with black-gray hair,
10:53:30 12 glasses, and approximately five-eleven inches tall? Do you
10:53:34 13 remember telling them that?

10:53:36 14 A. Yes.

10:53:36 15 Q. I'm sorry?

10:53:38 16 A. Yes.

10:53:38 17 Q. All right. And do you recall telling the FBI that with
10:53:48 18 respect to your second visit to Dr. Chhibber's office, that
10:53:54 19 you never had any blood work or urine tests done on that
10:53:58 20 second visit? Do you recall telling the FBI that?

10:54:00 21 A. Yes, I recall that.

10:54:02 22 Q. All right. And you recall telling the FBI that -- at
10:54:10 23 first you told the FBI that you didn't have any other
10:54:12 24 diagnostic tests. Do you recall that?

10:54:14 25 A. No, sir.

10:54:18 1 Q. And do you recall then changing your mind and saying,
10:54:22 2 well, maybe two doctors might have given you a test with some
10:54:26 3 leads on? Do you recall that?
10:54:26 4 A. Yes, I recall that.
10:54:28 5 Q. All right. And you recall on this second visit that, once
10:54:42 6 again, you insisted that Dr. Chhibber had never even listened
10:54:48 7 to your heart? Do you recall telling them that on October
10:54:54 8 9th, 2011?
10:54:56 9 A. No.
10:54:56 10 Q. You don't recall?
10:54:58 11 A. No.
10:54:58 12 Q. All right. And I -- just for the record, I want to make
10:55:06 13 this Exhibit 2 for the day. I just want you to read from what
10:55:14 14 purports to be the interview of 10/9/2011. I want you to read
10:55:20 15 the third paragraph and read that and ask does that refresh
10:55:22 16 your recollection about what you told the FBI?
10:55:24 17 A. No, it's not.
10:55:32 18 Q. All right. That's fine.
10:55:34 19 And in this same interview on October 9th, 2011, do
10:55:48 20 you recall telling the FBI that at no time did Dr. Chhibber
10:55:52 21 ever tell you that you had a heart murmur? Do you recall
10:55:56 22 telling them?
10:55:56 23 A. I recall telling them that, yes, sir.
10:56:02 24 Q. Then do you recall that on the very next day, October
10:56:10 25 10th, 2011, that you -- the very next day you had an interview

10:56:16 1 with the FBI. Do you recall that?

10:56:18 2 A. Yeah.

10:56:18 3 Q. They called you on the telephone. Do you recall that?

10:56:22 4 A. Yes.

10:56:22 5 Q. And they said, Mr. Vaval, we want to go over those answers
10:56:30 6 again. Do you remember that?

10:56:30 7 A. Yes.

10:56:30 8 Q. All right. And that when this time when they called you
10:56:38 9 over the telephone, you said that, well, you now recall that
10:56:42 10 you had blood work done on both days. Do you recall now
10:56:46 11 telling the FBI that on the 10th?

10:56:48 12 A. No.

10:56:48 13 Q. Do you recall on this day also that it was this day that
10:57:04 14 you told the FBI, you know, I can't recall whether I had two
10:57:08 15 or three visits with Dr. Chhibber? That's what you told the
10:57:12 16 FBI on this day, October 10th, 2011; isn't that correct?

10:57:18 17 A. Yes.

10:57:18 18 Q. All right. And you told them that the third visit might
10:57:28 19 have even occurred one year after the second. Isn't that what
10:57:32 20 you told the FBI?

10:57:34 21 A. No.

10:57:34 22 Q. Well, let me show you what I will call Exhibit 3 for this
10:57:44 23 day and just ask you to take a look at the last paragraph of
10:57:48 24 what purports to be the FBI 302. Do you see -- read the last
10:57:54 25 paragraph. Does that refresh your recollection at all?

10:57:56 1 A. Yes. Yeah.

10:58:02 2 Q. So that is what you told the FBI; is that correct?

10:58:06 3 A. Two or three visits?

10:58:08 4 Q. Yes?

10:58:08 5 A. Yes.

10:58:08 6 Q. And that the third visit could have been one year after
10:58:12 7 the second; is that correct?

10:58:12 8 A. That would have been the same year.

10:58:14 9 Q. I'm just saying isn't this what you told the FBI on this
10:58:20 10 day?

10:58:20 11 A. Yes.

10:58:20 12 Q. All right. Now, after all of those interviews with the
10:58:36 13 FBI, the FBI -- the prosecutor finally interviews you this
10:58:44 14 past Saturday; is that correct?

10:58:46 15 A. Yes.

10:58:46 16 Q. And for the very first time this past Saturday, you now
10:58:52 17 recall that Dr. Chhibber did mention to you that you had a
10:58:56 18 heart murmur; is that correct?

10:58:58 19 A. Yes.

10:58:58 20 Q. In fact, I believe you also related to the government that
10:59:10 21 your mother had a heart murmur; is that correct?

10:59:12 22 A. Yes.

10:59:12 23 Q. Now, in fact, I want to show you something. It's in
10:59:18 24 evidence, and it's your chart, and it would be -- so that the
10:59:38 25 government knows -- I want to show you portions of

10:59:54 1 Government's 360, and I want to talk to you about the doctor's
10:59:56 2 discussion with you regarding your heart murmur. I want to
10:59:58 3 show you this page from your chart, and you see that there is
11:00:02 4 a diagram on that page?

11:00:04 5 A. Yes.

11:00:06 6 Q. Now, I want you to recall this. Isn't it a fact that when
11:00:10 7 you came for your second visit, that Dr. Chhibber used that
11:00:18 8 diagram to explain to you the workings of the heart? Do you
11:00:22 9 recall that?

11:00:22 10 A. I don't recall.

11:00:26 11 Q. Do you recall him using that diagram to attempt to explain
11:00:32 12 to you what your heart murmur was all about?

11:00:34 13 A. No, sir.

11:00:34 14 Q. All right. Now, it's your testimony that you don't recall
11:00:58 15 talking to Dr. Chhibber about chest pains; is that correct?

11:01:04 16 A. Yes.

11:01:04 17 Q. Now, do you recall that on October 16th, 2004, that you
11:01:12 18 had been admitted to the emergency room of Trinity Hospital
11:01:14 19 for chest pains? Do you remember that?

11:01:16 20 A. Yeah.

11:01:18 21 Q. Okay. So you recall that; is that correct?

11:01:20 22 A. Yeah.

11:01:22 23 Q. And, of course, that was before you met Dr. Chhibber; is
11:01:28 24 that correct?

11:01:28 25 A. Correct.

11:01:28 1 Q. And do you recall there came a time after you saw
11:01:34 2 Dr. Chhibber that you again were admitted on April 6th, 2010,
11:01:42 3 to the emergency room of Trinity Hospital for chest pains? Do
11:01:46 4 you recall that?

11:01:46 5 A. Yes.

11:01:48 6 Q. In fact, I just want to show you -- this is part of our
11:02:04 7 Exhibit 137-7. I want to show you part of those records. And
11:02:14 8 I will have you identify this. Those records -- in fact, you
11:02:20 9 remember that day. And on 137.6 (sic), that's you, Alan
11:02:30 10 Vaval, being admitted to Trinity; is that correct?

11:02:32 11 A. Yes.

11:02:32 12 Q. And on the very next exhibit --

11:02:36 13 THE COURT: Could you keep your voice up, please, so
11:02:38 14 everybody can hear you.

11:02:40 15 THE WITNESS: Yes.

11:02:42 16 MR. JONES: Judge, I got worried. I thought you were
11:02:46 17 talking about me.

11:02:48 18 THE COURT: No.

11:02:48 19 BY MR. JONES:

11:02:48 20 Q. On the very next exhibit that's part of this file, there
11:02:52 21 is a history of patient illness. Do you see that?

11:02:56 22 A. Yes.

11:02:56 23 Q. And what it says is, The patient is 25-year-old male who
11:03:02 24 presents with chest pain.

11:03:04 25 Do you see that?

11:03:04 1 A. Yes.

11:03:04 2 Q. All right. You are aware, of course, sir, that -- here,
11:03:40 3 let me strike that.

11:03:40 4 Part of the record, now I'm going to show you 137-9,
11:04:30 5 under the patient's chief complaint, do you see that?

11:04:36 6 A. Yes.

11:04:36 7 Q. And your record says, it says, Neck and chest pain and a
11:04:40 8 little hard to breathe since Sunday.

11:04:42 9 Do you recall that?

11:04:42 10 A. Yes.

11:04:42 11 Q. Now, are you aware, sir, that when you went in on this day
11:04:48 12 in April of 2010, that they gave you an EKG?

11:04:52 13 A. Yes, sir.

11:04:52 14 Q. I want to show you what's been marked in your chart as
11:04:58 15 137-22. And you see that that EKG --

11:05:04 16 MR. COLE: Objection. Relevance, your Honor.

11:05:06 17 THE COURT: Overruled.

11:05:06 18 BY MR. JONES:

11:05:06 19 Q. You see that that EKG says that you had an abnormal EKG.
11:05:10 20 Do you see that?

11:05:12 21 A. Yes.

11:05:12 22 Q. And it also uses the word that you had an acute AMI. Are
11:05:22 23 you aware, sir, that that's a mild heart attack?

11:05:24 24 MR. COLE: Objection, your Honor. Hearsay.

11:05:26 25 THE WITNESS: No.

11:05:26 1 THE COURT: Overruled.

11:05:26 2 BY MR. JONES:

11:05:28 3 Q. Are you aware that acute AMI means mild heart attack?

11:05:34 4 A. No, I'm not.

11:05:34 5 Q. Now, regarding abdominal pain, you say that you don't
11:05:48 6 recall telling the doctor that you had abdominal pain; is that
11:05:54 7 correct?

11:05:54 8 A. Correct.

11:05:54 9 Q. And are you aware that your test results for the time that
11:06:00 10 you visited Dr. Chhibber indicate that what they have that
11:06:04 11 your amylase count was twice that of the normal amylase count,
11:06:10 12 are you aware of that?

11:06:10 13 A. No, sir.

11:06:12 14 Q. And that what that means is that's indicative of
11:06:18 15 pancreitis (sic) and abdominal stomach pain, are you aware of
11:06:22 16 that?

11:06:22 17 A. No, sir.

11:06:30 18 MR. JONES: One moment, Judge.

11:06:38 19 I don't have anything else, your Honor.

11:06:38 20 THE COURT: Redirect.

11:06:44 21 - - -

11:06:44 22 ALAN VAVAL, REDIRECT EXAMINATION

11:06:44 23 BY MR. COLE:

11:06:52 24 Q. Remember when you were asked questions about being
11:06:54 25 admitted to Trinity Hospital?

11:06:56 1 A. Yes.

11:06:56 2 Q. Shows the emergency room?

11:06:56 3 A. Yes.

11:06:56 4 Q. And the record said, Chest pain?

11:06:58 5 A. Yes.

11:06:58 6 Q. What was going on with you that day?

11:07:00 7 A. I had bronchitis.

11:07:04 8 Q. Did it hurt when you were breathing?

11:07:06 9 A. Yeah.

11:07:06 10 Q. Now, you were asked questions about an abnormal EKG that

11:07:14 11 you got at the hospital on that date. Do you remember those

11:07:16 12 questions?

11:07:18 13 A. Yeah.

11:07:18 14 Q. Now, are you aware that you received four EKG printouts in

11:07:24 15 a row? Were you aware of that?

11:07:26 16 A. Yes.

11:07:26 17 Q. And did you know the last three of them are you aware were

11:07:34 18 normal?

11:07:34 19 A. Yes.

11:07:34 20 Q. Were you aware of that?

11:07:38 21 A. Yes.

11:07:38 22 Q. Did you have bronchitis when you went to see the defendant

11:07:48 23 in 2008?

11:07:48 24 A. No.

11:07:48 25 Q. You were having trouble breathing?

11:07:52 1 A. No.

11:07:52 2 Q. Now, you were asked questions about different facts you
11:08:02 3 were able to recall when talking to the government in various
11:08:06 4 interviews. Do you remember those questions?

11:08:08 5 A. Yes.

11:08:08 6 Q. Did you ever tell the government that you had told the
11:08:10 7 defendant you were suffering from chest pain?

11:08:12 8 A. No.

11:08:12 9 Q. Did you ever tell the government that you told the
11:08:16 10 defendant you were suffering from shortness of breath?

11:08:18 11 A. No.

11:08:18 12 Q. Did you ever tell the government that you had told the
11:08:22 13 defendant during your visit at his clinic that you had been
11:08:26 14 dizzy?

11:08:26 15 A. No.

11:08:28 16 Q. Did you ever tell the government that when you went to his
11:08:30 17 clinic, you had abdominal pain?

11:08:32 18 A. No.

11:08:32 19 Q. Did the defendant ever tell you that he was concerned that
11:08:48 20 you were having a heart attack?

11:08:50 21 A. No.

11:08:50 22 Q. Did he ever treat you for a heart attack?

11:08:52 23 A. No.

11:08:52 24 Q. Did he ever make you concerned that there was something
11:08:58 25 wrong with your heart other than what he had told you about

11:09:00 1 your heart rhythm?

11:09:02 2 A. No.

11:09:04 3 MR. COLE: No other questions, your Honor.

11:09:08 4 THE COURT: Anything further?

11:09:08 5 MR. JONES: One second, Judge.

11:09:10 6 Judge, I don't have anything further.

11:09:12 7 THE COURT: All right. Thank you. You may be
11:09:14 8 excused.

11:09:16 9 (Witness excused.)

11:09:16 10 MR. COLE: Your Honor, the government calls Cierra
11:09:20 11 Thompson.

11:09:56 12 (Witness sworn.)

11:09:56 13 THE COURT: Please be seated. Would you tell us your
11:09:58 14 full name, spelling both your first and your last name.

11:10:02 15 THE WITNESS: My name is Cierra Thompson; Cierra is
11:10:06 16 C-i-e-r-r-a, Thompson is T-h-o-m-p-s-o-n.

11:10:12 17 THE COURT: Thank you.

11:10:14 18 - - -

11:10:14 19 CIERRA THOMPSON, DIRECT EXAMINATION

11:10:14 20 BY MR. COLE:

11:10:16 21 Q. Ms. Thompson, where do you work?

11:10:18 22 A. U.S. Cellular.

11:10:20 23 Q. What do you do for them?

11:10:22 24 A. I am a technical support specialist.

11:10:26 25 Q. What does that mean?

11:10:26 1 A. I pretty much troubleshoot smart phone devices and
11:10:32 2 wireless modems.

11:10:32 3 Q. How long have you worked there?

11:10:34 4 A. Four years.

11:10:34 5 Q. Can you describe for the jury your educational background.

11:10:40 6 A. I graduated high school in 2006 from Simon, and over the
11:10:44 7 course, I have done some college.

11:10:44 8 Q. Do you have insurance through your job at U.S. Cellular?

11:10:48 9 A. Yes.

11:10:48 10 Q. What kind of medical insurance do you have?

11:10:50 11 A. Blue Cross/Blue Shield.

11:10:52 12 Q. And did you have medical insurance the entire time you
11:10:56 13 worked there?

11:10:56 14 A. Yes.

11:10:56 15 Q. Are you familiar with the defendant in this case,
11:11:00 16 Dr. Chhibber?

11:11:00 17 A. Yes, I am.

11:11:00 18 Q. How are you familiar with him?

11:11:02 19 A. I was referred to him for a visit for a follow-up after I
11:11:12 20 went to the emergency room.

11:11:14 21 Q. When was this?

11:11:16 22 A. In December of 2009.

11:11:18 23 Q. Can you describe for the jury why it was that you went to
11:11:22 24 the emergency room that day.

11:11:24 25 A. I had an abscess like on the back of my leg towards my

11:11:32 1 buttocks. I went to the emergency room because I couldn't
11:11:34 2 really walk. They drained it, and then they told me to follow
11:11:38 3 up with the doctor.

11:11:42 4 Q. When you left the hospital that day, did they give you
11:11:44 5 some instructions on what to do?

11:11:46 6 A. Yeah, to follow up with the doctor.

11:11:48 7 Q. Let me show you what's marked as Government Exhibit 350,
11:11:52 8 page 31. Do you recognize this?

11:11:56 9 A. Yes.

11:11:56 10 Q. What is that?

11:11:58 11 A. It's my discharge papers from West Suburban Hospital.

11:12:02 12 Q. And did you bring this with you when you went to see the
11:12:04 13 defendant?

11:12:04 14 A. Yes.

11:12:04 15 Q. And you went to see the defendant, you went the following
11:12:08 16 day, you said?

11:12:08 17 A. I went on Monday.

11:12:10 18 Q. And did you have an appointment?

11:12:14 19 A. No, it was -- Mondays are walk-in.

11:12:18 20 Q. Did you bring this sheet with you when you went to see the
11:12:20 21 defendant?

11:12:20 22 A. Yes.

11:12:20 23 Q. How did you get to the defendant's office?

11:12:24 24 A. I was referred to the defendant by my fiancée's mother at
11:12:34 25 the time, and she drove us there.

11:12:36 1 Q. Describe what happened when you first got to the
11:12:40 2 defendant's clinic.

11:12:42 3 A. As far as I can remember, when I first got in, I had to
11:12:46 4 sign in. Then the assistants gave me some registration papers
11:12:52 5 to fill out.

11:12:52 6 Q. What type of papers did you fill out?

11:13:00 7 A. Basic information asking my name, where I stayed, my
11:13:06 8 insurance information.

11:13:06 9 Q. Let me show you what's marked as Government Exhibit 350,
11:13:12 10 page 27. Do you recognize that?

11:13:14 11 A. Yes.

11:13:14 12 Q. What is that?

11:13:16 13 A. The registration forms.

11:13:18 14 Q. Is that your signature at the bottom?

11:13:20 15 A. Yes, it is.

11:13:20 16 Q. And is this one of the forms you filled out when you first
11:13:24 17 got to the clinic?

11:13:24 18 A. Yes.

11:13:24 19 Q. Let me show you page 29 of that exhibit. Do you recognize
11:13:30 20 that?

11:13:30 21 A. Yes, I do.

11:13:32 22 Q. Is that your signature at the bottom?

11:13:34 23 A. Yes, it is.

11:13:34 24 Q. What is that?

11:13:34 25 A. What is the paper?

11:13:40 1 Q. Yes.

11:13:40 2 A. It's a confidentiality.

11:13:42 3 Q. Is that one of the forms you filled out when you first got

11:13:46 4 to his clinic?

11:13:46 5 A. Right.

11:13:46 6 Q. What about Government Exhibit 350, page 30? Same thing?

11:13:50 7 A. Correct.

11:13:52 8 Q. Your signature?

11:13:52 9 A. Yes, it is.

11:13:52 10 Q. Let me show you page 28. Look at the top of the form. Do

11:14:02 11 you see it says, Authorization form?

11:14:06 12 A. Yes.

11:14:06 13 Q. Is that one of those forms you filled out when you first

11:14:10 14 got there?

11:14:10 15 A. Yes.

11:14:10 16 Q. Your signature at the bottom?

11:14:12 17 A. That is my signature.

11:14:12 18 Q. I see there's nothing checked on the form. Did they

11:14:16 19 explain any of these medical procedures to you before they

11:14:18 20 asked you to sign this form?

11:14:20 21 A. No, I was -- honestly, I just signed the papers. I

11:14:24 22 thought it was regular paperwork when you first go to the

11:14:28 23 doctor for the first time, so I didn't look at it in detail.

11:14:32 24 Q. Whose names is circled at the top?

11:14:36 25 A. Dr. Chhibber's.

11:14:36 1 Q. After you filled out these forms, what happened next?

11:14:40 2 A. I returned them to the assistants, and I sat down and

11:14:44 3 waited. I went back to the waiting room.

11:14:46 4 Q. Approximately how long did you wait?

11:14:48 5 A. I don't know for sure how long it was. Probably about

11:14:54 6 five to ten minutes.

11:14:54 7 Q. Then what happened?

11:14:58 8 A. I was called in to another room so that they can take my

11:15:04 9 vital information, check my blood pressure, my weight, and my

11:15:08 10 height.

11:15:08 11 Q. Do you remember who did this?

11:15:12 12 A. I don't remember which of the two assistants this was. I

11:15:18 13 don't remember which two assistants it was, but...

11:15:24 14 Q. Was it a male or female?

11:15:26 15 A. They were both female.

11:15:28 16 Q. Now, after you had your vitals taken, what happened next?

11:15:32 17 A. I went back into the waiting room to wait on Dr. Chhibber.

11:15:38 18 Q. How long did you wait?

11:15:38 19 A. I don't know the exact amount of minutes.

11:15:44 20 Q. What happened next?

11:15:46 21 A. I was called in to Dr. Chhibber's -- one of the offices to

11:15:50 22 speak with Dr. Chhibber.

11:15:50 23 Q. Can you describe what happened when you went back to the

11:15:54 24 office.

11:15:54 25 A. Again, I don't really remember too many details, but I can

11:16:02 1 remember I told him why I had come, I told him I had the
11:16:06 2 discharge papers I had gotten from the emergency room.
11:16:08 3 Q. Did he ask you anything about your boil?
11:16:12 4 A. He -- I don't remember the exact questions that he asked.
11:16:18 5 I do know that I had to unrobe, so they gave me the sheet
11:16:26 6 thing to unrobe so that he could take a look at it.
11:16:32 7 Q. Did he examine you on the top half of your body?
11:16:34 8 A. No.
11:16:36 9 Q. Did he listen to your heart?
11:16:36 10 A. I don't recall if he listened to my heart.
11:16:40 11 Q. Did he ever ask you if you were having trouble breathing?
11:16:44 12 A. No.
11:16:44 13 Q. Did you tell him you were having trouble breathing?
11:16:48 14 A. No, sir.
11:16:48 15 Q. Did you tell him you were having trouble catching your
11:16:54 16 breath?
11:16:54 17 A. No.
11:16:54 18 Q. Were you having trouble breathing at that time?
11:16:58 19 A. No, sir.
11:16:58 20 Q. How do you remember that?
11:17:00 21 A. Because my sole purpose for going to Dr. Chhibber's office
11:17:06 22 was to follow up on the abscess that I had at the emergency
11:17:10 23 room. I had no other symptoms.
11:17:12 24 Q. Now, when you were examined, did the defendant ever tell
11:17:16 25 you that you had a heart murmur?

11:17:18 1 A. No, sir.

11:17:18 2 Q. Did he tell you there was any problem with your heart?

11:17:22 3 A. No, sir.

11:17:22 4 Q. Did he ask you if some other physician had made you

11:17:26 5 concerned that you had a heart murmur?

11:17:28 6 A. No, sir.

11:17:28 7 Q. Did he ask you if you had ever received heart tests

11:17:32 8 because of a heart murmur?

11:17:32 9 A. No, sir.

11:17:32 10 Q. Now, if defendant told you that you had a heart murmur, is

11:17:36 11 that something you would be concerned about?

11:17:38 12 A. Yes.

11:17:38 13 Q. Is that something you would remember?

11:17:40 14 A. That's something I would remember.

11:17:42 15 Q. Let me show you what's been marked as Government Exhibit

11:17:44 16 350, page 35. On the top, it says, Progress note, and on the

11:17:50 17 top right, it says 12/14/2009. Does that sound about the

11:17:56 18 correct date when you saw the defendant?

11:17:56 19 A. As long as it was a Monday, that's pretty much what I

11:18:00 20 remember, Monday.

11:18:02 21 Q. So in the middle left there is a diagnosis section. Do

11:18:16 22 you see next to No. 3 where it says, Heart murmur?

11:18:20 23 A. Yes.

11:18:20 24 Q. Did the defendant tell you he was writing heart murmur in

11:18:22 25 your chart?

11:18:24 1 A. No.

11:18:24 2 Q. No. 4, do you see it says be SOB, shortness of breath? Do
11:18:30 3 you see that?

11:18:30 4 A. Yes.

11:18:32 5 Q. Did the defendant ever tell you he was writing shortness
11:18:36 6 of breath in your chart?

11:18:38 7 A. No.

11:18:38 8 Q. Now, did the defendant tell you that he wanted you to
11:18:44 9 undergo some testing?

11:18:44 10 A. I don't remember the exact conversation, but I did have to
11:18:50 11 get an echo.

11:18:52 12 Q. What was your understanding of why you were getting an
11:18:56 13 echo?

11:18:56 14 A. As far as I remember, there was no understanding. I did
11:19:00 15 think that it was a little weird because what I had come in
11:19:04 16 for I didn't think really had anything to do with my heart.
11:19:08 17 So I was caught off guard that I had to take it, but I didn't
11:19:14 18 question it.

11:19:14 19 Q. Well, did the defendant ever tell you that he was worried
11:19:18 20 that your abscess might be attacking your heart?

11:19:22 21 A. No.

11:19:22 22 Q. Did he ever tell you that he was worried that your abscess
11:19:24 23 could kill you?

11:19:26 24 A. No.

11:19:26 25 Q. Now, let me show you what's been marked as Government

11:19:32 1 Exhibit 350, page 18. This is another authorization form. Do
11:19:40 2 you see that?
11:19:40 3 A. Yes.
11:19:40 4 Q. This one has a check mark in one of the boxes. What's
11:19:48 5 checked?
11:19:48 6 A. Ultrasound abdomen.
11:19:52 7 Q. So did you, in fact, agree to get an echocardiogram that
11:20:10 8 day?
11:20:10 9 A. Yes, I did.
11:20:10 10 Q. Can you describe for the jury what happened.
11:20:12 11 A. I really don't remember too much in detail, but I do
11:20:18 12 remember going to another room that had the equipment and them
11:20:20 13 taking the echo of my chest area.
11:20:24 14 Q. Now, can you describe the person who gave you the
11:20:30 15 echocardiogram?
11:20:30 16 A. No, I don't remember the details or if I was -- I don't
11:20:38 17 remember who gave me.
11:20:38 18 Q. Did you ever get the results of that echocardiogram?
11:20:40 19 A. Never got any results.
11:20:42 20 Q. After you took that test, what happened next?
11:20:46 21 A. I went back to Dr. Chhibber's first office where I had
11:20:56 22 seen Dr. Chhibber in.
11:20:56 23 Q. And then what happened?
11:20:58 24 A. He gave me my notes for work, return to work notice, and
11:21:14 25 that's what I can remember.

11:21:16 1 THE COURT: I'm sorry. I can't hear you.

11:21:16 2 THE WITNESS: He gave me my return work -- return to
11:21:20 3 work notice, and that's all that I can remember. And I had to
11:21:24 4 make another follow-up appointment.

11:21:28 5 BY MR. COLE:

11:21:30 6 Q. And did he say he wanted you to come back to the clinic?

11:21:32 7 A. Yes.

11:21:32 8 Q. Approximately when?

11:21:32 9 A. I don't remember the exact date.

11:21:36 10 Q. Were you asked to pay any money?

11:21:40 11 A. No.

11:21:40 12 Q. That day when you left the clinic?

11:21:42 13 A. I didn't pay any money.

11:21:44 14 Q. Did he ever bill you for any services that day?

11:21:48 15 A. I got my bills from my insurance company, but from his
11:21:52 16 office separately, no.

11:21:54 17 Q. Is that an EOB, an explanation of benefits form?

11:22:00 18 A. Yes.

11:22:00 19 Q. Now, let me show you a different authorization form. Do
11:22:18 20 you see the date is 12/15? Do you see that?

11:22:20 21 A. Yes.

11:22:22 22 Q. Now, there is a check approximately next to the box that
11:22:26 23 says echo. Do you see that?

11:22:28 24 A. Um-hmm.

11:22:28 25 Q. Is this your signature at the bottom?

11:22:30 1 A. It looks like my signature, yes.

11:22:42 2 Q. When approximately did you sign this form? During your
11:22:44 3 visit with the defendant?

11:22:46 4 A. I do remember signing a form with this information on
11:22:50 5 there, but as far as them checking one of the boxes, I don't
11:22:56 6 recall.

11:22:56 7 Q. And you see at the very bottom right above where you
11:23:02 8 signed, it says, I agree to cover all charges not covered by a
11:23:06 9 third-party payer.

11:23:08 10 Do you see that?

11:23:08 11 A. Yes.

11:23:10 12 Q. But they never asked you to pay anything, correct?

11:23:12 13 A. Correct.

11:23:12 14 Q. Now, did you, in fact, return to the clinic sometime
11:23:52 15 later?

11:23:54 16 A. Yes, I did.

11:23:54 17 Q. Can you describe what happened on that next visit.

11:23:58 18 A. I don't really remember the details of the second visit.

11:24:02 19 It was a follow-up to the first visit. I know that I was
11:24:06 20 going to make sure they didn't have to drain anything from the
11:24:10 21 abscess.

11:24:10 22 Q. Were you complaining of other symptoms on that day?

11:24:18 23 A. The only -- I did. I was having -- I had been for a while
11:24:24 24 having abdominal pains, and I did mention it.

11:24:28 25 Q. Let me show you what's marked as Government Exhibit 350,

11:24:32 1 page 33. In the top right, it appears to be -- it's dated
11:24:42 2 January 7th, 2010. Do you see that?
11:24:44 3 A. Yes, I do.
11:24:44 4 Q. Is that approximately the date you saw the defendant the
11:24:46 5 second time?
11:24:48 6 A. I don't remember the date exactly.
11:24:50 7 Q. It's several weeks after your first visit. Does that time
11:24:54 8 frame seem about right?
11:24:58 9 A. Right.
11:24:58 10 Q. Now, No. 2 under the diagnosis section, it says, Abdominal
11:25:06 11 pain.
11:25:06 12 Do you see that?
11:25:06 13 A. Yes, I do.
11:25:08 14 Q. And you were complaining of abdominal pain that day,
11:25:12 15 right?
11:25:12 16 A. Right.
11:25:12 17 Q. Now, No. 3 looks like it says, Hematuria.
11:25:16 18 Do you see that?
11:25:18 19 A. Yes.
11:25:18 20 Q. Did you ever tell the defendant you had blood in your
11:25:22 21 urine?
11:25:22 22 A. No, I did not.
11:25:24 23 Q. Did the defendant ever tell you he was concerned about
11:25:26 24 that?
11:25:26 25 A. No.

11:25:26 1 Q. Do you see on the middle right section it says, Complete
11:25:36 2 US abdomen.

11:25:38 3 Do you see that?

11:25:38 4 A. Yes, I do.

11:25:38 5 Q. Did you receive an abdominal ultrasound that day?

11:25:42 6 A. I don't recall receiving an ultrasound that day.

11:25:46 7 Q. Well, do you have any kids?

11:25:48 8 A. Yes, I do.

11:25:48 9 Q. Had you ever received ultrasound examinations before?

11:25:52 10 A. Numerous.

11:25:52 11 Q. On January 7th, 2010, do you remember getting an
11:26:02 12 ultrasound --

11:26:02 13 MR. JONES: I am going to object, Judge.

11:26:04 14 THE COURT: Sustained.

11:26:04 15 BY MR. COLE:

11:26:06 16 Q. Well, let me show you what's marked as Government Exhibit
11:26:08 17 350, page 8. Do you see on the top where it says, Abdominal
11:26:16 18 ultrasound?

11:26:16 19 A. Yes, I do.

11:26:16 20 Q. And if you can blow up the impression paragraph. Do you
11:26:26 21 see where it says, Tiny gallstones seen in the wall of
11:26:32 22 bladder?

11:26:32 23 Do you see that?

11:26:32 24 A. Yes, I do.

11:26:32 25 Q. Did he ever tell you you had a gallstone?

11:26:38 1 A. No.

11:26:38 2 Q. When you left the defendant's clinic after that second
11:26:40 3 visit, were you ever asked to pay anything?

11:26:42 4 A. No.

11:26:42 5 Q. Did the defendant ever discuss this ultrasound with you?

11:26:48 6 A. I never got the results. I don't recall the ultrasound
11:26:54 7 from the test, if I did have one, at Dr. Chhibber's office. I
11:26:58 8 never got the results of it.

11:27:02 9 MR. COLE: No other questions, your Honor.

11:27:04 10 THE COURT: Cross-examination.

11:27:04 11 MR. JONES: Thank you, your Honor.

11:27:06 12 - - -

11:27:06 13 CIERRA THOMPSON, CROSS-EXAMINATION

11:27:06 14 BY MR. JONES:

11:27:32 15 Q. Ms. Thompson, your chart indicates that your first visit
11:27:36 16 to Dr. Chhibber was on 12/14/2009, and I gather that was the
11:27:44 17 day after you had been in the emergency room; is that correct?

11:27:46 18 A. I am not sure it was the exact day afterward, but I do
11:27:52 19 know that it was on Monday.

11:27:52 20 Q. Okay. And the reason you went to Dr. Chhibber was because
11:28:00 21 you had been pretty sick that weekend; isn't that right?

11:28:02 22 A. That is correct.

11:28:04 23 Q. In fact, you know, you were so sick you could barely walk;
11:28:10 24 is that correct?

11:28:10 25 A. That's correct.

11:28:10 1 Q. And when you got to the emergency room, they had to do
11:28:18 2 some treatment on you with respect to a cyst; is that correct?
11:28:24 3 A. Yes.
11:28:24 4 Q. Do you recall that you were very sick, you had a fever
11:28:28 5 that weekend?
11:28:28 6 A. I don't recall a fever.
11:28:30 7 Q. All right. When you say you don't recall, is it possible
11:28:36 8 you had a fever that weekend?
11:28:36 9 A. The only problem that I had that weekend was the cyst.
11:28:42 10 Q. Now, what the doctors did at the West Suburban was they
11:28:50 11 drained the cyst that evening; is that correct?
11:28:56 12 A. Yes.
11:28:56 13 Q. And then they had to -- because they drained it, they had
11:29:02 14 to pack in some material into the cyst. Do you recall that?
11:29:06 15 A. Yes.
11:29:06 16 Q. All right. And do you recall, of course, that the abscess
11:29:14 17 was rather large, about the size of a ping-pong ball?
11:29:20 18 A. I don't really remember the size. It wasn't extremely
11:29:30 19 large, but ping-pong ball is probably too big.
11:29:36 20 Q. Okay. All right. I want to be fair. But it was large?
11:29:40 21 A. It was big.
11:29:42 22 Q. And one of the things they did at the hospital was they
11:29:48 23 took a culture of the abscess that they drained. Do you
11:29:54 24 recall that?
11:29:54 25 A. Yes.

11:29:54 1 Q. All right. And then they gave you -- because you were in
11:30:00 2 such pain, they gave you a shot of Toradol. Do you remember
11:30:04 3 that?
11:30:06 4 A. I don't remember.
11:30:06 5 Q. All right. Do you remember getting a shot of a painkiller
11:30:08 6 at all?
11:30:10 7 A. It was possible.
11:30:12 8 Q. All right.
11:30:12 9 A. I just don't recall.
11:30:14 10 Q. And then what they told you to do, they said, Well, look,
11:30:18 11 you need to follow up and you need to see your family doctor
11:30:22 12 the following day. Do you recall that?
11:30:22 13 A. They told me to follow up with my doctor.
11:30:26 14 Q. And that's what you did. That's when you came over to see
11:30:30 15 Dr. Chhibber, whether -- it was as soon as possible, that's
11:30:34 16 correct? Would that be fair to say?
11:30:36 17 A. Yes.
11:30:36 18 Q. All right. And when you got in to see Dr. Chhibber, you
11:30:44 19 were still in pain, were you not?
11:30:46 20 A. No, not as much pain as I was.
11:30:48 21 Q. Not as much pain. All right.
11:30:52 22 And you recall that what Dr. Chhibber had to do is he
11:30:58 23 had to unpack the abscess that had been packed. Do you recall
11:31:04 24 that?
11:31:04 25 A. No, I don't recall it.

11:31:06 1 Q. Do you recall that he also, as he was examining you,
11:31:10 2 telling you that not only had he found in addition to
11:31:18 3 inflammation of the skin was another abscess that was near the
11:31:22 4 anus? Do you remember that?

11:31:24 5 A. No, he pretty much just told me that where the abscess
11:31:26 6 was, the diagnosis that the emergency room had gave me was
11:31:32 7 incorrect.

11:31:32 8 Q. All right. And you don't recall him telling you that what
11:31:38 9 he found was another abscess, do you?

11:31:40 10 A. No, he didn't tell me that.

11:31:42 11 Q. Now, do you recall him saying something to you about a
11:31:46 12 perirectal abscess?

11:31:50 13 A. Yes, that's what he told me that's what it was.

11:31:52 14 Q. And he drained that perirectal abscess himself?

11:31:56 15 A. No.

11:31:58 16 Q. Now, are you aware as you sit here today that
11:32:02 17 Dr. Chhibber's treatment of you related to a disease called
11:32:06 18 MRSA?

11:32:06 19 A. When I went to the emergency room, I did get a letter that
11:32:18 20 I had to pick up, and it did state that I had MRSA, but he
11:32:24 21 also told me that that wasn't true.

11:32:26 22 Q. Well, let me just show you the letter that you got. If I
11:32:34 23 could have that blown up. It's in evidence. Because you took
11:32:36 24 this letter to Dr. Chhibber, right?

11:32:38 25 A. That is correct.

11:32:40 1 Q. All right. And you see what this document in evidence
11:32:54 2 says that what you have is -- where it says, Culture,
11:33:04 3 methicillin-resistant staph, this is a multiple drug-resistant
11:33:10 4 organism, refer to inspection control policies for isolation
11:33:16 5 precautions.

11:33:22 6 So that's what they found that you had, right, ma'am?
11:33:26 7 That's the test result?

11:33:28 8 A. The abscess.

11:33:30 9 Q. No, what I just read to you was the test result, wasn't
11:33:34 10 it, ma'am?

11:33:34 11 A. That was from West Suburban.

11:33:36 12 Q. Right. That's what you had. You understand that that's
11:33:38 13 the disease that you had?

11:33:40 14 A. That's what the test results said at West Suburban, and
11:33:46 15 when I went to Dr. Chhibber's office, he said I didn't have
11:33:48 16 that.

11:33:48 17 Q. Are you aware that the drugs that Dr. Chhibber gave you,
11:33:54 18 the three antibiotics, saved your life?

11:33:58 19 MR. COLE: Objection, your Honor. Relevance.

11:33:58 20 THE COURT: Overruled.

11:34:02 21 BY MR. JONES:

11:34:02 22 Q. Are you aware that the three antibiotics that he gave you
11:34:04 23 for this saved your life?

11:34:06 24 A. No, I am not.

11:34:06 25 Q. Now, you know, the prosecutor asked you about the

11:34:18 1 echocardiogram. You recall that you have had a couple
11:34:24 2 interviews with the government. Do you recall being
11:34:26 3 interviewed on October 1st, 2011, by the government?

11:34:30 4 A. I do recall.

11:34:30 5 Q. And when you were interviewed by the government on 2011,
11:34:34 6 didn't you tell the government that, Dr. Chhibber provided her
11:34:40 7 with an explanation as to the necessity of the echocardiogram?
11:34:44 8 You told the government that, didn't you, ma'am?

11:34:46 9 A. It is possible that I did tell them that he gave me an
11:34:50 10 explanation. However, I do not recall getting an explanation
11:34:54 11 about the echo.

11:34:56 12 Q. But -- and then you also tell them that when you told the
11:35:02 13 government was that day, Thompson does not recall the
11:35:06 14 explanation but recalls not understanding it.

11:35:08 15 Isn't that what you told the government?

11:35:12 16 A. That is true, I didn't understand why exactly I was
11:35:16 17 getting an echocardiogram.

11:35:18 18 Q. But you didn't understand the explanation that the doctor
11:35:20 19 was giving you. That's what you told the government, right?

11:35:24 20 A. I don't recall giving an explanation from Dr. Chhibber
11:35:30 21 about the echo.

11:35:30 22 Q. All right. If I could show you something, ma'am, I am
11:35:34 23 going to call it Exhibit 1 for use today, which purports to be
11:35:42 24 the memo of October 1st, 2001, and I am just going to ask you
11:35:46 25 to read this and see if that refreshes your recollection of

11:35:50 1 what you told the FBI.

11:35:56 2 A. Is it green?

11:35:58 3 Q. If you think it's green, that's fine.

11:36:00 4 A. Thompson --

11:36:02 5 Q. Just read it to yourself and see if that refreshes your

11:36:04 6 recollection of what you told the FBI that day.

11:36:14 7 A. Okay.

11:36:16 8 Q. Now, does that refresh your recollection that you told the

11:36:18 9 FBI that day that Dr. Chhibber tried to explain to you what

11:36:22 10 the echo was, but you didn't understand it?

11:36:26 11 A. In October, my memory of the visit that I had with

11:36:32 12 Dr. Chhibber would have been a lot fresher than it is now. I

11:36:36 13 don't recall him giving me an explanation about the echo. I

11:36:42 14 do know that it was strange to me because I didn't understand

11:36:46 15 what it had to do with relation to why I came to him for.

11:36:48 16 Q. Let me just ask you this then. When you gave this

11:36:52 17 explanation to the government on October 1st, 2011, that was a

11:36:56 18 lot closer to the events than even today; isn't that true?

11:37:00 19 A. That is correct.

11:37:00 20 Q. And when you went back on -- you went back on a couple of

11:37:10 21 repeat visits to Dr. Chhibber; is that correct?

11:37:12 22 A. Yes.

11:37:14 23 Q. And that's the only echo that you got from Dr. Chhibber;

11:37:26 24 isn't that right?

11:37:26 25 A. Yes.

11:37:26 1 MR. JONES: One moment, Judge.

11:38:12 2 (Brief pause.)

11:38:34 3 MR. JONES: I just have one more question.

11:38:36 4 BY MR. JONES:

11:38:36 5 Q. When you picked up this note at South Suburban, you were
11:38:40 6 not able to give this to Dr. Chhibber until your second visit;
11:38:44 7 isn't that true?

11:38:44 8 A. West Suburban?

11:38:46 9 Q. Yes, when you picked up this information regarding the
11:38:50 10 infection that you had from West Suburban, you have already
11:38:54 11 told us you gave that to Dr. Chhibber; is that correct?

11:38:56 12 A. Yes, I did.

11:38:56 13 Q. But you were not able to give that to him until your
11:39:00 14 second visit with Dr. Chhibber; is that correct?

11:39:04 15 A. It is possible.

11:39:08 16 Q. That's right. That's right.

11:39:10 17 MR. JONES: That's all, Judge.

11:39:14 18 THE COURT: Redirect?

11:39:14 19 - - -

11:39:14 20 CIERRA THOMPSON, REDIRECT EXAMINATION

11:39:14 21 BY MR. COLE:

11:39:16 22 Q. Do you remember you were just asked some questions about
11:39:18 23 what Dr. Chhibber told you about why he was wanting an
11:39:22 24 echocardiogram? Do you remember that?

11:39:24 25 A. Correct.

11:39:24 1 Q. Did Dr. Chhibber ever tell you he was running an
11:39:26 2 echocardiogram because he was worried about a heart murmur?
11:39:30 3 A. No.
11:39:32 4 MR. COLE: No other questions, Judge.
11:39:34 5 THE COURT: All right. Thank you. You are excused.
11:40:00 6 (Witness excused.)
11:40:00 7 MR. HAMMERMAN: Your Honor, the government calls
11:40:04 8 Fahad Qasim.
11:40:26 9 (Witness sworn.)
11:40:26 10 THE COURT: Would you tell us your first name and
11:40:28 11 spell your last and name.
11:40:30 12 THE WITNESS: My name is Fahad Qasim, first name is
11:40:34 13 spelled F-a-h-a-d, last name is Q-a-s-i-m.
11:40:38 14 THE COURT: Thank you.
11:40:50 15 - - -
11:40:50 16 FAHAD QASIM, DIRECT EXAMINATION
11:40:50 17 BY MR. HAMMERMAN:
11:40:52 18 Q. Good morning, Mr. Qasim. Can you tell the members of the
11:40:54 19 jury where you live, sir?
11:40:56 20 A. I live in the western suburbs.
11:40:58 21 Q. Tell them how old you are.
11:41:00 22 A. I am 27 years old.
11:41:00 23 Q. Can you tell them how you are currently employed?
11:41:04 24 A. I do ultrasound work.
11:41:06 25 Q. How long have you been doing ultrasound work?

11:41:10 1 A. Just over three years now.

11:41:12 2 Q. Okay. Do you know an individual by the name of
11:41:18 3 Dr. Jaswinder Chhibber?

11:41:18 4 A. Yes.

11:41:18 5 Q. How do you know Dr. Chhibber?

11:41:20 6 A. I was employed by him.

11:41:22 7 Q. How long were you employed by Dr. Chhibber?

11:41:24 8 A. About two years.

11:41:26 9 Q. From approximately when to when were you employed by Dr.
11:41:30 10 Chhibber?

11:41:30 11 A. From November of 2008 until about November/December of
11:41:38 12 2010.

11:41:38 13 Q. Can you tell the members of the jury, Mr. Qasim, your
11:41:42 14 educational background.

11:41:44 15 A. Yes, I have a bachelor's degree from University of
11:41:48 16 Illinois, Chicago, in biology, and after I graduated, I was
11:41:52 17 trained and received certification for ultrasound.

11:41:54 18 Q. When did you obtain those certifications that you just
11:42:02 19 mentioned?

11:42:02 20 A. In 2009.

11:42:06 21 Q. What certifications did you obtain?

11:42:08 22 A. I have two. One is for ultrasound of the heart, and that
11:42:14 23 certification was called registered cardiac diagnostics, and
11:42:22 24 the second one I have certifies me as a registered vascular
11:42:26 25 technician, which is ultrasounds for blood vessels throughout

11:42:30 1 the body.

11:42:32 2 Q. And from what association or institution did you obtain
11:42:36 3 these certificates?

11:42:36 4 A. The main governing body in ultrasound is ARDMS, the
11:42:42 5 American Registry of Diagnostic and Medical Sonography.

11:42:48 6 Q. What did you do to obtain that certification?

11:42:50 7 A. I had to pass three exams.

11:42:54 8 Q. Mr. Qasim, can you explain to the members of the jury how
11:42:56 9 you came to work for Dr. Chhibber?

11:42:58 10 A. Yes. A family friend of mine was friends with Mr. Baig,
11:43:08 11 who was a technician working for Dr. Chhibber at the time, and
11:43:12 12 she connected us.

11:43:14 13 Q. How did that lead you to actually come to work for
11:43:18 14 Dr. Chhibber?

11:43:18 15 A. She gave me his phone number.

11:43:20 16 Q. You say "his phone number." Whose phone number are you
11:43:24 17 talking about?

11:43:24 18 A. Mr. Baig's.

11:43:26 19 Q. Did you contact Mr. Baig?

11:43:26 20 A. I contacted Mr. Baig. He told me to come into one of the
11:43:32 21 clinics. I went in with my resume and was pretty much hired
11:43:36 22 on the spot.

11:43:38 23 Q. What was your understanding of Mr. Baig's relationship
11:43:40 24 with Dr. Chhibber at that time?

11:43:40 25 A. At that time I thought he was the ultrasound tech, and he

11:43:46 1 kind of managed all the work, all the ultrasounds.

11:43:50 2 Q. You said you were hired on the spot?

11:43:52 3 A. Yes.

11:43:52 4 Q. With whom did you interview?

11:43:54 5 A. With Mr. Baig.

11:43:56 6 Q. Did you interview with Dr. Chhibber at that time?

11:43:58 7 A. No.

11:44:00 8 Q. Did you understand yourself to be employed by Dr. Chhibber

11:44:02 9 or Mr. Baig?

11:44:04 10 A. I understood to be employed by Dr. Chhibber, but I would

11:44:10 11 report to Mr. Baig.

11:44:12 12 Q. When you first started working for Dr. Chhibber, at what

11:44:16 13 locations did you work?

11:44:18 14 A. At first I worked at his south side clinic, Cottage Grove

11:44:24 15 Community Medical at 642 East 79th Street, in Chicago, and

11:44:28 16 there was also another clinic. It's like Cicero or Berwyn.

11:44:34 17 It was on Cermak near Harlem.

11:44:38 18 Q. What was the name of the clinic that was located on the

11:44:40 19 south side of Chicago?

11:44:40 20 A. Cottage Grove Community Medical.

11:44:42 21 Q. When you first began working for Dr. Chhibber, where did

11:44:46 22 you spend the majority of your time?

11:44:48 23 A. The majority was at the Cottage Grove clinic.

11:44:52 24 Q. Did your workplace assignment change at some point in

11:44:56 25 time?

11:44:56 1 A. Yes.

11:44:56 2 Q. Approximately when did it change?

11:44:56 3 A. About a year into my work, I would mainly start going to a

11:45:06 4 third clinic in Hanover Park, which Dr. Joshi would see

11:45:12 5 patients.

11:45:12 6 Q. Did you, after that first year, return at all to the south

11:45:16 7 side clinic?

11:45:16 8 A. Yes.

11:45:16 9 Q. How often?

11:45:18 10 A. About once a week on Wednesdays.

11:45:22 11 Q. And on the days that you worked at the south side clinic

11:45:24 12 in that second year of your employment, with what physician

11:45:28 13 did you work?

11:45:30 14 A. It was Dr. Joshi, seeing Dr. Chhibber's patients.

11:45:34 15 Q. What day of the week was that?

11:45:36 16 A. That was on Wednesdays.

11:45:38 17 Q. And during that second year when you worked with Dr.

11:45:40 18 Joshi, was Dr. Chhibber present at the clinic on those days?

11:45:44 19 A. No.

11:45:46 20 Q. How were you paid during the first year that you worked

11:45:48 21 for Dr. Chhibber?

11:45:48 22 A. I would report my hours to Mr. Baig, and my understanding

11:45:56 23 was he would give those to Dr. Chhibber, and he would pay Mr.

11:46:00 24 Baig and Mr. Baig would pay me.

11:46:02 25 Q. And how much were you paid?

11:46:02 1 A. I started at \$25 an hour.

11:46:06 2 Q. And the second year, how were you paid?

11:46:08 3 A. I was paid directly from Dr. Chhibber.

11:46:10 4 Q. And how much were you paid by Dr. Chhibber?

11:46:14 5 A. I believe at some point, I asked him for a raise to 30 or

11:46:20 6 35, but I am not completely certain.

11:46:26 7 Q. And the change that did come about, do you have an

11:46:30 8 understanding of how the change in pay came about?

11:46:32 9 A. Yes.

11:46:32 10 Q. And what's that understanding?

11:46:32 11 A. I think I contacted him about it over the phone or by

11:46:38 12 text.

11:46:38 13 Q. And when you say "him" --

11:46:40 14 A. Dr. Chhibber.

11:46:40 15 Q. -- whom are you referring?

11:46:40 16 A. Dr. Chhibber.

11:46:42 17 Q. Focusing on the 79th Street clinic, during the time that

11:46:46 18 you worked there during your first year of employment, who ran

11:46:50 19 that clinic?

11:46:50 20 A. Dr. Chhibber.

11:46:50 21 Q. Whose patients were seen at that clinic?

11:46:54 22 A. Dr. Chhibber's.

11:46:54 23 Q. When you first started working for Dr. Chhibber at that

11:46:58 24 clinic, how many days a week did you work at the 79th Street

11:47:00 25 clinic?

11:47:02 1 A. It was about three days a week.

11:47:02 2 Q. And what days were those?

11:47:04 3 A. I think it was Tuesday, Thursday, and Friday.

11:47:06 4 Q. I want to ask you a series of questions about that first

11:47:18 5 year of your employment with Dr. Chhibber when you were

11:47:20 6 spending the majority of your time at the south side clinic.

11:47:22 7 Can you tell the members of the jury the type of work
11:47:26 8 that you performed there?

11:47:26 9 A. I did different types of ultrasounds for the body. I did

11:47:32 10 echos, which are ultrasounds for the heart; I did carotid

11:47:38 11 Dopplers, which are ultrasounds for the blood vessels running

11:47:44 12 up the neck to the brain; I did lower extremity for the legs,

11:47:48 13 arteries in the veins; and I did abdominal ultrasounds for the

11:47:52 14 liver, pancreas, gallbladder, did some glands, thyroid glands;

11:47:58 15 all types of ultrasounds.

11:48:00 16 Q. Did you ever do transcranial Doppler exams, ultrasounds of

11:48:04 17 the blood vessels inside of the brain?

11:48:06 18 A. No.

11:48:06 19 Q. All of the other tests that you mentioned, are those all

11:48:12 20 various forms of ultrasounds?

11:48:14 21 A. Yes.

11:48:14 22 Q. How -- in laymen's terms if you will, how are these

11:48:26 23 ultrasounds performed, what do you actually do?

11:48:28 24 A. It's essentially the same way you would do an ultrasound

11:48:36 25 for a pregnant woman. It's just a different part of the body.

11:48:38 1 Q. What is involved?

11:48:40 2 A. We take a machine, an ultrasound machine, take a probe,
11:48:44 3 apply the gel on the probe, and place that on various places
11:48:48 4 on the body to get an image.

11:48:50 5 Q. What type of data do you record and how do you record it
11:48:56 6 when performing one of these ultrasounds?

11:48:58 7 A. There is like 2-D measurements where we actually freeze
11:49:06 8 the screen and take the measurements of what we see there.

11:49:08 9 Q. When you say 2-D, what do you mean by 2-D?

11:49:12 10 A. Two dimensional. It's like of one point of the body.
11:49:16 11 There's also Doppler measurements where we measure the speed
11:49:20 12 of blood flow. And those are, I guess, the two types of
11:49:24 13 measurements that we take, but there's many measurements.

11:49:26 14 Q. When you say 2-D, are you referring to a photograph or a
11:49:30 15 picture?

11:49:32 16 A. Yes.

11:49:32 17 Q. What does an ultrasound actually do; what do you review
11:49:34 18 and how do you record it?

11:49:36 19 A. An ultrasound sends a sound beam into the body, and that
11:49:42 20 sound beam reflects off different structures inside the body.
11:49:46 21 And depending on when that sound beam reflects back to the
11:49:50 22 probe, we get an image of inside the body, and with that we
11:49:54 23 can take measurements of different sizes of structures and
11:49:58 24 stuff like that.

11:50:00 25 Q. Using an echocardiogram as an example, what type of data

11:50:04 1 do you collect when taking an echocardiogram?

11:50:06 2 A. I would measure the different -- the thickness of the
11:50:12 3 different muscles in the heart, I would take measurements of
11:50:20 4 kind of like a graph of the valve motions, I would take
11:50:24 5 Doppler measurements of how fast the blood would be flowing
11:50:28 6 through different valves in the heart.

11:50:30 7 Q. How do you record the findings that you take from one of
11:50:34 8 these exams?

11:50:34 9 A. The machine would print out like screen shots, like still
11:50:40 10 photographs of whatever I would see on the screen. It also
11:50:44 11 had a VHS recorder on it. That's for the echos for the heart.
11:50:50 12 We record motion. Most of the other exams are just still
11:50:54 13 images. So we get still images, we get VHS recordings, and we
11:51:02 14 get printouts of the images and make tech sheets.

11:51:04 15 Q. And would you record similar types of information when
11:51:08 16 performing carotid Doppler exams?

11:51:12 17 A. Yes.

11:51:12 18 Q. What about abdominal ultrasounds?

11:51:14 19 A. Yes, the measurements are all of them.

11:51:16 20 Q. Now, what would you do -- how would you actually, first of
11:51:20 21 all, record the information, what type of -- let me rephrase
11:51:24 22 that.

11:51:24 23 How would you actually record the information? Is
11:51:26 24 there a sheet, a chart?

11:51:28 25 A. We had a tech sheet. There is a different sheet for each

11:51:34 1 type of ultrasound, and it was just kind of like a preliminary
11:51:38 2 report where we would write the measurements we obtained and
11:51:44 3 some patient history and some findings, if we found anything
11:51:48 4 significant. We'd write those out by hand, but usually attach
11:51:50 5 the images to the report, and it would be sent to the doctor.

11:51:54 6 Q. Would you write a final report summarizing the health of a
11:51:58 7 patient?

11:51:58 8 A. No, not a final report; just kind of like a preliminary
11:52:04 9 report.

11:52:04 10 Q. Whose job is it to write the final analysis of the work
11:52:06 11 that you do?

11:52:08 12 A. The doctor's.

11:52:08 13 Q. Now, when you worked at Dr. Chhibber's office during that
11:52:12 14 first year of your employment, what would you do with the
11:52:16 15 information that you recorded?

11:52:16 16 A. I would usually take the still images that I printed out
11:52:24 17 and I would attach those to the tech sheet that I wrote out
11:52:28 18 with all my results and I'd make a copy of the tech sheet, and
11:52:32 19 put one copy in the chart for the record, and the original
11:52:36 20 images that I printed out and the original handwritten tech
11:52:42 21 sheet that I wrote out, I would place that on a shelf or a bin
11:52:46 22 for the doctor.

11:52:50 23 Q. At some point during the period of time that you worked
11:52:56 24 for Dr. Chhibber, did you have some concerns about the work
11:53:02 25 that you were doing there?

11:53:02 1 A. Yes.

11:53:04 2 Q. Did you take any action based on those concerns?

11:53:06 3 A. Yes.

11:53:06 4 Q. What did you do, Mr. Qasim?

11:53:10 5 A. I filed a complaint with Blue Cross/Blue Shield and
11:53:14 6 Medicare.

11:53:14 7 Q. How did you do that?

11:53:16 8 A. For Blue Cross/Blue Shield, it was online. They had a web
11:53:24 9 page for possible fraud complaints. And Medicare, I believe I
11:53:30 10 did it over the phone.

11:53:30 11 Q. What was the basis of your concern that you contacted Blue
11:53:38 12 Cross/Blue Shield?

11:53:38 13 A. I felt a lot of the tests were being repeated on patients
11:53:50 14 over and over again, and I would look at the charts, and I
11:53:56 15 would see the diagnoses for the patient that day, what
11:54:02 16 symptoms they were feeling, why they were there, and a lot of
11:54:06 17 times I would ask the patients --

11:54:08 18 MR. ORMAN: Objection to what he asked the patients.

11:54:10 19 THE COURT: Sustained.

11:54:14 20 BY MR. HAMMERMAN:

11:54:14 21 Q. Without getting into those conversations yet, Mr. Qasim,
11:54:20 22 based on those concerns, did you relate those same concerns to
11:54:24 23 people whom you spoke with at Blue Cross/Blue Shield?

11:54:26 24 A. Yes.

11:54:26 25 Q. Following your conversations with Blue Cross, were you

11:54:30 1 contacted by somebody?

11:54:30 2 A. Yes.

11:54:30 3 Q. By whom?

11:54:32 4 A. Some type of investigative official that worked at Blue
11:54:38 5 Cross/Blue Shield.

11:54:38 6 Q. And following your conversation with that individual, were
11:54:42 7 you referred to yet another -- were you referred to law
11:54:48 8 enforcement?

11:54:48 9 A. Yes.

11:54:48 10 Q. To whom were you referred?

11:54:50 11 A. To the FBI.

11:54:50 12 Q. Were you contacted by somebody from the FBI?

11:54:54 13 A. Yes, I was contacted by Agent Kathryn Anton.

11:54:58 14 Q. Do you recall approximately when you were contacted by
11:55:04 15 this FBI agent?

11:55:04 16 A. It was late summer or early fall of 2009.

11:55:10 17 Q. 2009?

11:55:10 18 A. Yes.

11:55:20 19 MR. HAMMERMAN: Can I have a moment, your Honor?

11:55:22 20 THE COURT: Yes.

11:55:22 21 BY MR. HAMMERMAN:

11:55:36 22 Q. Mr. Qasim, did you subsequently meet with this FBI agent?

11:55:40 23 A. Yes.

11:55:40 24 Q. And when did that occur?

11:55:42 25 A. That was in the fall of 2009.

11:55:46 1 Q. Did the FBI agent make any requests of you?

11:55:48 2 A. At first it was just more so conversations about what I
11:55:58 3 thought was going on, what I thought was fraud.

11:56:02 4 Q. And did the FBI agent ask for your ongoing cooperation?

11:56:06 5 A. Yes.

11:56:06 6 Q. Did you in fact begin to cooperate with this FBI agent's
11:56:12 7 investigation?

11:56:12 8 A. Yes.

11:56:12 9 Q. In what way did you cooperate?

11:56:16 10 A. I provided them with information on what I saw, what I
11:56:22 11 thought was going on, and I also provided them with documents
11:56:28 12 from the clinic.

11:56:28 13 Q. Did the FBI ask you to act as a source of information?

11:56:30 14 A. Yes.

11:56:30 15 Q. Did you agree?

11:56:32 16 A. Yes.

11:56:32 17 Q. What did you understand that to entail?

11:56:34 18 A. Just to let them know what was going on, what I thought
11:56:40 19 was fraud.

11:56:42 20 Q. Did the FBI agent with whom you were working talk to you
11:56:48 21 about your role as a source?

11:56:50 22 A. Yes.

11:56:50 23 Q. What did you understand your role to be?

11:56:52 24 A. Mainly to provide information to them about what I saw.

11:56:58 25 Q. Did you continue working for Dr. Chhibber after becoming

11:57:04 1 an FBI source?

11:57:04 2 A. Yes.

11:57:04 3 Q. Did you continue to provide information to the FBI?

11:57:08 4 A. Yes.

11:57:08 5 Q. What type of information?

11:57:10 6 A. Information about like how many tests were being performed

11:57:20 7 there or what I thought was wrongdoing, stuff like that.

11:57:24 8 Q. Now, at some point, Mr. Qasim, did you not also file a

11:57:32 9 lawsuit in connection with the work that you had done at

11:57:34 10 Dr. Chhibber's office?

11:57:36 11 A. Yes.

11:57:36 12 Q. What type of lawsuit had you filed?

11:57:38 13 A. It's a qui tam lawsuit.

11:57:44 14 Q. Did you have an understanding of what type of lawsuit a

11:57:46 15 qui tam lawsuit is?

11:57:48 16 A. Yes.

11:57:48 17 Q. Can you tell the members of the jury what your

11:57:50 18 understanding of what a qui tam lawsuit is?

11:57:54 19 A. When an individual brings fraud to the attention of the

11:58:02 20 government, if that person is convicted of fraud based on what

11:58:10 21 you told them, you can sue that individual on behalf of the

11:58:14 22 United States government.

11:58:18 23 Q. Have you filed a lawsuit on behalf of the United States

11:58:20 24 government?

11:58:20 25 A. Yes.

11:58:20 1 Q. Do you have an economic interest in that lawsuit?

11:58:24 2 A. Yes.

11:58:24 3 Q. When did you file that qui tam lawsuit?

11:58:30 4 A. It was, I believe, July of 2011.

11:58:36 5 Q. Do you know if it was before or after Dr. Chhibber was
11:58:38 6 charged in connection with this case?

11:58:40 7 A. It was after.

11:58:40 8 Q. When did you begin the process of investigating the
11:58:46 9 ability to file a qui tam lawsuit in connection with this
11:58:50 10 case?

11:58:52 11 A. I believe it was in March, about March of 2011, about a
11:58:56 12 month or so after he was charged.

11:58:58 13 Q. I want to go back to the work that you did for
11:59:02 14 Dr. Chhibber. I want to focus once again on that one year
11:59:08 15 while you were working at the south side clinic.

11:59:10 16 While you worked at Dr. Chhibber's Cottage Grove
11:59:14 17 Community Medical Clinic, who was responsible for determining
11:59:16 18 what tests were to be run on patients?

11:59:18 19 A. Dr. Chhibber.

11:59:20 20 Q. To your knowledge, on the days that Dr. Chhibber was
11:59:24 21 there, was anyone else authorized to order tests on patients?

11:59:28 22 A. No.

11:59:28 23 Q. Did you work with any other ultrasound techs at
11:59:34 24 Dr. Chhibber's office during your period of employment there?

11:59:36 25 A. Yes, Mr. Baig.

11:59:38 1 Q. When you say that you worked with Mr. Baig, did you work
11:59:44 2 on the same days or generally on different days?

11:59:48 3 A. We generally worked on different days.

11:59:50 4 Q. When you were working at the clinic, did you perform all
11:59:54 5 of the ultrasounds that you have already testified about
11:59:56 6 earlier this morning?

11:59:58 7 A. Yes.

11:59:58 8 Q. How would you know when to perform those ultrasounds?

12:00:02 9 A. Either Dr. Chhibber or his medical assistants working
12:00:08 10 there would hand me the patient charts. Each visit, a
12:00:14 11 progress form is filled out for the patient, and there is one
12:00:18 12 section on the progress form that lists the tests to be done
12:00:22 13 on the patient that day.

12:00:28 14 Q. I am going to show you a chart that's been marked as
12:00:34 15 Government Exhibit 340. I will show a page from that
12:01:06 16 Government Exhibit 340 up on the screen.

12:01:22 17 First of all, have you seen this chart before?

12:01:24 18 A. Yes, I have.

12:01:24 19 Q. And do you recognize this form of progress note that's
12:01:28 20 contained within that chart?

12:01:30 21 A. Yes.

12:01:30 22 Q. Looking at this particular progress note, can you explain
12:01:36 23 to the members of the jury how you would know what tests to
12:01:38 24 perform?

12:01:38 25 A. There is a box towards the right of the page, right in the

12:01:44 1 middle without the lines, and that has a list of not only
12:01:50 2 ultrasounds ordered but also EKG, PFT, the ones in the top, I
12:01:56 3 believe that's a blood draw. So those are all the exams or
12:02:00 4 tests ordered on that patient that day.

12:02:02 5 Q. When you worked at Dr. Chhibber's office, did you see
12:02:06 6 progress notes like the particular document that's on the
12:02:08 7 screen right now?

12:02:10 8 A. Yes.

12:02:10 9 Q. And did you review those types of progress notes?

12:02:12 10 A. Yes.

12:02:12 11 Q. For what purpose?

12:02:14 12 A. To see what tests were ordered.

12:02:18 13 Q. Now, looking at this particular progress note, is there a
12:02:22 14 test here that if you saw it, you would actually perform?

12:02:26 15 A. Yes.

12:02:26 16 Q. What test would you perform?

12:02:26 17 A. An echo and carotid.

12:02:30 18 Q. And where do you see carotid?

12:02:32 19 A. There is a bracket that says 1.

12:02:38 20 Q. Is that it right there?

12:02:40 21 A. Yes.

12:02:40 22 Q. Right below echo?

12:02:42 23 A. Yes.

12:02:42 24 Q. Now, once you were going to perform these tests, where in
12:02:48 25 Dr. Chhibber's office would these tests occur?

12:02:52 1 A. We had a separate room for ultrasound. It was room 2.

12:02:56 2 Q. Can you generally explain the process to the members of
12:03:00 3 the jury on how you would meet a patient and perform, by means
12:03:04 4 of example, an echocardiogram?

12:03:12 5 A. I would get the chart, I would see what tests were
12:03:16 6 ordered, and I would go out -- usually they were waiting in
12:03:18 7 the waiting room, or if they were getting blood drawn, I would
12:03:20 8 go out to the waiting room and call them and bring them back
12:03:24 9 to room 2, the ultrasound room.

12:03:24 10 Q. What would happen once they came back to the ultrasound
12:03:28 11 room?

12:03:28 12 A. I would introduce myself, I would let them know what test
12:03:32 13 they were going to be given, and if needed, have them put a
12:03:42 14 gown on and perform the test.

12:03:44 15 Q. Now, in performing the various tests that you performed on
12:03:46 16 patients at Dr. Chhibber's office, did you review any portion
12:03:48 17 of the patient's progress note other than the section listing
12:03:52 18 the test to be performed?

12:03:54 19 A. Yes.

12:03:54 20 Q. First of all, what other sections did you review?

12:03:58 21 A. Towards the bottom third of the page of the diagnoses, the
12:04:06 22 symptoms the patient was giving that day. That's it.

12:04:08 23 Q. And for what purpose would you review this diagnoses
12:04:12 24 section?

12:04:12 25 A. That's the patient history relevant to the exam. I would

12:04:18 1 go over it with the patient. At times I would fill symptoms
12:04:28 2 in on the tech sheet. I didn't always do that, but I was
12:04:30 3 trained to go over patient history. That included the
12:04:34 4 diagnoses for that day.

12:04:34 5 Q. How often would you go over these diagnoses sections with
12:04:40 6 the patients you were about to perform tests on?

12:04:42 7 A. Pretty often. Very often I would say.

12:04:44 8 Q. Did you notice any pattern in the diagnoses you saw in
12:04:48 9 connection with the tests that you had to perform?

12:04:50 10 A. Yes.

12:04:50 11 Q. Using as an example an echocardiogram, did you see any
12:04:56 12 patterns in the diagnoses that you saw in the charts for the
12:04:58 13 echocardiograms you were to perform?

12:05:02 14 A. Yes.

12:05:02 15 Q. What patterns did you see?

12:05:04 16 A. I saw many of the same diagnoses used often, such as
12:05:12 17 murmur or chest pains or shortness of breath or hypertension.

12:05:16 18 Q. What about with carotid Doppler examinations, did you
12:05:20 19 review the diagnoses sections for the carotid Doppler exams
12:05:26 20 that you performed?

12:05:26 21 A. Yes.

12:05:26 22 Q. Did you, in reviewing those diagnoses sections, see any
12:05:30 23 patterns in connection with the diagnoses that you read and
12:05:32 24 the tests that you performed?

12:05:34 25 A. Yes.

12:05:34 1 Q. What type of patterns did you see for the carotid Doppler
12:05:40 2 examinations?
12:05:40 3 A. It was, again, a similar bunch of diagnoses that would
12:05:48 4 appear very often, such as dizziness and bruit.
12:05:54 5 Q. What was the last one?
12:05:54 6 A. Bruit.
12:05:54 7 Q. What about abdominal pain -- I'm sorry, abdominal
12:05:58 8 ultrasounds? Did you see any patterns in the diagnoses
12:06:04 9 section for the abdominal ultrasounds that you performed?
12:06:08 10 A. Yes.
12:06:08 11 Q. What patterns did you see in connection with those tests?
12:06:10 12 A. Very often I would see abdominal pain.
12:06:16 13 Q. Now, Mr. Qasim, just so it's clear, you are not a doctor,
12:06:20 14 correct?
12:06:20 15 A. Correct.
12:06:20 16 Q. Did you ever perform a physical exam on any of these
12:06:24 17 patients?
12:06:24 18 A. No.
12:06:24 19 Q. Were you present when Dr. Chhibber performed his physical
12:06:28 20 exam on patients?
12:06:28 21 A. No.
12:06:28 22 Q. When you reviewed these diagnoses sections, you said that
12:06:38 23 you did so for what purpose?
12:06:38 24 A. When I began ultrasound, I was trained to go over patient
12:06:46 25 history with the patient and record some history for the tech

12:06:52 1 sheet that we provided for the specialists that would
12:06:56 2 interpret the study.

12:06:58 3 Q. What do you mean by that? The patients had usually
12:07:02 4 already been seen by a doctor, correct?

12:07:04 5 A. Correct.

12:07:04 6 Q. Would you, nevertheless, write your own patient history
12:07:08 7 about some of the patients that you were then testing?

12:07:10 8 A. Yes.

12:07:10 9 Q. Where would you do that?

12:07:14 10 A. On the tech sheet.

12:07:16 11 Q. And what type of questions would you ask to fill out those
12:07:24 12 tech sheets?

12:07:24 13 A. If they've ever had any heart trouble, if they have ever
12:07:28 14 had any surgeries; just general history questions.

12:07:30 15 Q. Would you ask those questions at the same time that you
12:07:34 16 were reviewing Dr. Chhibber's progress notes for the same
12:07:38 17 patients?

12:07:38 18 A. Yes.

12:07:38 19 Q. Did you ever -- did patients ever describe to you
12:07:44 20 conditions that were different than those contained in the
12:07:48 21 progress notes?

12:07:50 22 MR. ORMAN: I am going to object to what patients
12:07:52 23 said.

12:07:52 24 MR. HAMMERMAN: 803(4), your Honor.

12:07:56 25 THE COURT: We are going to take our lunch recess

12:08:00 1 now, members of the jury. We will resume at 1:15. You are
12:08:04 2 excused until 1:15.

12:08:04 3 (The jury leaves the courtroom.)

12:08:04 4 (The following proceedings were had in open court outside
12:08:40 5 the presence and hearing of the jury:)

12:08:40 6 THE COURT: Please be seated.

12:08:40 7 The witness may step down. Would you return to the
12:08:42 8 stand at 1:15, please.

12:08:46 9 THE WITNESS: Sure.

12:08:50 10 THE COURT: Before we took our morning recess, I was
12:08:52 11 handed some papers I think by mistake. I am not sure who
12:09:00 12 handed them up, but there are just some multiple copies of the
12:09:06 13 electronic filing of the defendant's pending motion for an
12:09:10 14 evidentiary hearing, and then there are multiple copies of the
12:09:16 15 notice of motion for the defendant's motion. I am going to
12:09:20 16 hand them back down, and you can sort out who they belong to.

12:09:28 17 I did -- I was handed at some point a copy of --
12:09:34 18 received an unredacted copy of the defendant's motion for an
12:09:38 19 evidentiary hearing, as I assume the government did as well.

12:09:42 20 MR. HAMMERMAN: We received it shortly before your
12:09:44 21 Honor did.

12:09:44 22 THE COURT: Yes. Could I ask, if necessary, is the
12:09:56 23 FBI agent available? I think her name is Anton, is it Kathryn
12:10:06 24 Anton?

12:10:06 25 MR. HAMMERMAN: Yes, your Honor.

12:10:10 1 THE COURT: Is she available to appear as a witness
12:10:14 2 to the hearing?

12:10:14 3 MR. HAMMERMAN: Yes, we just would have to contact
12:10:16 4 her and make sure she is available when the court requires.

12:10:20 5 THE COURT: Are the factual representations in the
12:10:24 6 motion contested; that is, that Ms. Anton deleted email
12:10:36 7 communications with the present witness?

12:10:38 8 MR. HAMMERMAN: Yes, your Honor, although I think the
12:10:42 9 way they are described in the motion is not necessarily an
12:10:44 10 entirely full picture. Ms. Anton downloaded emails that she
12:10:50 11 had with the witness to the case file, and they were added to
12:10:54 12 the case file when she eventually moved squads from the squad
12:11:00 13 that she was on, which was a healthcare fraud squad, to where
12:11:04 14 she is currently assigned. At the time that she did that, she
12:11:08 15 had already downloaded what she thought were pertinent emails
12:11:12 16 and then deleted the rest of her remaining emails.

12:11:16 17 We obtained emails from the witness who is currently
12:11:18 18 on the stand that showed that there was some additional
12:11:20 19 communication. I have not done a full audit of what, but
12:11:24 20 there was some additional communication with the agent. Some
12:11:26 21 of it was not substantive. I know that. We disclosed all of
12:11:30 22 that additional email correspondence to the defense. We then
12:11:34 23 asked --

12:11:36 24 THE COURT: When?

12:11:36 25 MR. HAMMERMAN: Immediately. This was months ago.

12:11:40 1 We then also at one point sought to do a search of
12:11:44 2 the witness' -- he allowed us to search his email account for
12:11:48 3 any reference to communication with the special agent, any
12:11:54 4 additional emails, and there were some more non-substantive
12:11:58 5 email correspondence. We obtained that. We turned it over.

12:12:00 6 We then -- and this was I will only call it a
12:12:02 7 difficult and arduous process -- sought to determine whether
12:12:08 8 any backup systems from the FBI were available to check to see
12:12:14 9 if we could somehow -- if there had been any emails saved
12:12:16 10 between the special agent and the witness. That search was
12:12:20 11 done. There were no available emails from the time period at
12:12:26 12 which these communications had occurred, and so the FBI was
12:12:30 13 unable, based on their representations to us, to further
12:12:34 14 supplement any emails that Ms. Anton had put to the case file
12:12:40 15 about her communications with this witness.

12:12:44 16 MR. ORMAN: I want to get away from emails for a
12:12:46 17 moment, your Honor. The letter that was attached to the
12:12:48 18 motion -- and I think you have it -- not only references
12:12:54 19 emails, but it references text messages as well.

12:12:58 20 MR. HAMMERMAN: I can address that also, if your
12:13:00 21 Honor wishes.

12:13:00 22 MR. ORMAN: Before we -- this is my issue. We have
12:13:04 23 never seen those text messages, we never knew about them, and
12:13:10 24 now we learn for the first time that they have been deleted,
12:13:14 25 not only by wherever Ms. Anton stored them, but by this

12:13:22 1 witness who has deleted them as well. We did get an
12:13:26 2 indication that these texts are non-substantive. You know,
12:13:32 3 it's been my experience that you don't delete non-substantive
12:13:38 4 texts, especially when you're working for the FBI.

12:13:42 5 Let's go back to the emails. I have had some
12:13:46 6 experience -- this is my concern. I am not accusing anybody
12:13:50 7 of anything. But you just don't hit a delete button and make
12:13:54 8 an email disappear. It is there and it will remain on the
12:14:00 9 disk and be retrievable unless something more is required.
12:14:06 10 Now, that's my experience. I've dealt with this. You know,
12:14:10 11 in the early days of email, you know, people would delete
12:14:14 12 them, hit the delete button, and then some expert would come
12:14:18 13 in and pull them all out, and whoever was involved would be
12:14:22 14 all embarrassed because of what the email said. We have all
12:14:24 15 been through that. Emails are not so easily deleted, Judge.

12:14:30 16 Now, we had -- this is the chronology. We had an
12:14:34 17 initial submission of emails early on in the case, the first
12:14:38 18 discovery submissions. That was all there were until a few
12:14:46 19 months ago as counsel indicated. But those emails that they
12:14:50 20 gave us a few months ago did not come from the FBI or from the
12:14:56 21 Attorney General's office. They came from Mr. Fahad's
12:15:04 22 lawsuit. You remember he said he filed a qui tam lawsuit. He
12:15:08 23 attached those emails to the lawsuit, and that's what they
12:15:12 24 gave us, his copies, not theirs. So they were probably gone
12:15:18 25 before that because otherwise they should have given them to

12:15:22 1 us.

12:15:24 2 Then they go back to Mr. Fahad and they say, give us
12:15:30 3 more of your emails, and he does a search, and they give them
12:15:34 4 to us. Still no explanation on the texts, Judge.

12:15:40 5 I don't accept that they are non-substantive; that
12:15:44 6 is, setting meetings, arranging whatever there is to arrange,
12:15:50 7 phone calls. That's substantive. That may change everything.
12:15:56 8 That will tell us who talked to whom when. We have to get
12:16:04 9 this straightened out, Judge.

12:16:06 10 THE COURT: Well, I am curious. When a
12:16:12 11 representation is made that these were non-substantive emails,
12:16:16 12 what were they?

12:16:18 13 MR. HAMMERMAN: Well, with respect to the texts that
12:16:22 14 are at issue, because that's the representation that we have,
12:16:26 15 that they were non-substantive, and so I want to clarify the
12:16:28 16 two.

12:16:28 17 THE COURT: What does that mean?

12:16:30 18 MR. HAMMERMAN: My understanding from speaking with
12:16:32 19 the agent and with the witness --

12:16:32 20 THE COURT: Were they social friends or something?

12:16:34 21 MR. HAMMERMAN: No, your Honor. What I mean by
12:16:40 22 non-substantive -- and if that was an inarticulate way of
12:16:44 23 phrasing it, I apologize to the court.

12:16:46 24 THE COURT: It doesn't tell me much.

12:16:48 25 MR. HAMMERMAN: It was for purpose of arranging

12:16:50 1 meetings and arranging further contact. It wasn't substantive
12:16:50 2 in the sense that it didn't describe ongoing activities, for
12:16:56 3 example, at that clinic. I asked both the agent and this
12:16:58 4 witness, you know, what was the nature of the texting. It was
12:17:02 5 more coordination in manner. And so that is what I meant by
12:17:08 6 non-substantive, that they were coordinating texts between
12:17:12 7 these two individuals, and that is what both of them have told
12:17:16 8 me in my conversations with them.

12:17:20 9 THE COURT: What remedy are you seeking, Mr. Orman?

12:17:22 10 MR. ORMAN: Right now the remedy in plain English is
12:17:28 11 to find out how this happened, who knew what, when they knew
12:17:34 12 it, and what the context of these texts and emails are. And
12:17:38 13 if it should turn out that these things were deleted perhaps
12:17:48 14 intentionally, the appropriate remedy under those
12:17:50 15 circumstances would be to dismiss the indictment. If we have
12:17:56 16 -- the only way we can figure this out is an evidentiary
12:18:00 17 hearing, Judge.

12:18:06 18 THE COURT: I see Special Agent --

12:18:12 19 MR. HAMMERMAN: Anton.

12:18:12 20 THE COURT: -- Anton is not on the government's
12:18:14 21 witness list.

12:18:16 22 MR. HAMMERMAN: That is correct, your Honor.

12:18:16 23 MR. ORMAN: She is on ours, Judge.

12:18:30 24 THE COURT: Is this an area that you intend to
12:18:32 25 examine her about --

12:18:34 1 MR. ORMAN: Yes.

12:18:34 2 THE COURT: -- in terms of communication with a
12:18:36 3 witness?

12:18:36 4 MR. ORMAN: Yes.

12:18:40 5 MR. HAMMERMAN: Your Honor, we filed a motion
12:18:40 6 suggesting that that would actually be improper, that if the
12:18:44 7 sole purpose of defense counsel in calling a witness is to in
12:18:50 8 a sense try to embarrass the witness or impeach the witness,
12:18:54 9 the Seventh Circuit has been very clear that that is an
12:18:58 10 improper purpose in which to call a witness and should be not
12:19:00 11 allowed by the court, but instead, counsel should have to
12:19:06 12 proffer to the court the non-impeaching purpose for which
12:19:10 13 they're actually calling the witness, because if it's solely
12:19:12 14 to impeach the credibility of a witness who does not otherwise
12:19:16 15 offer useful testimony to the defense, there is no purpose in
12:19:18 16 which to call the witness because the government is not
12:19:20 17 relying on that witness in its case in chief, so there is no
12:19:22 18 value in impeaching her credibility since her credibility is
12:19:26 19 not put at issue because she is not a witness for the
12:19:30 20 government.

12:19:34 21 MR. ORMAN: Judge, it sounds to me like documents
12:19:36 22 have disappeared and they don't want us to talk about it. I
12:19:40 23 think that's what he just said.

12:19:42 24 MR. HAMMERMAN: I don't think it would be appropriate
12:19:42 25 to talk about them, as Mr. Orman puts it, in front of the jury

12:19:46 1 solely for the purpose of embarrassing the agent.

12:19:48 2 THE COURT: Just a moment. You said Ms. Anton
12:19:56 3 deleted emails but first downloaded them, or she made a
12:20:02 4 decision as to what was substantive or not?

12:20:06 5 MR. HAMMERMAN: I believe that that would be a fair
12:20:08 6 representation, your Honor. She downloaded those emails or
12:20:12 7 printed and then put into the file those emails that she
12:20:14 8 believed were appropriately maintained. We learned that those
12:20:16 9 were not the entirety of the correspondence with this witness,
12:20:22 10 and then we have sought in the manner I have described for the
12:20:24 11 court to try to recreate the wheel, if you will, by trying to
12:20:28 12 get those emails from any source that we could. We have been
12:20:32 13 able to supplement the emails that were originally put to the
12:20:36 14 file through these other sources.

12:20:38 15 We cannot make a representation to the court that
12:20:40 16 that is everything. In the same respect, we don't know if, in
12:20:42 17 fact, it isn't. It could be that we have now provided defense
12:20:46 18 counsel with everything. We simply, based on what we
12:20:48 19 understand to be the limitations of the FBI, cannot make a
12:20:52 20 representation to the court that this is everything.

12:20:58 21 THE COURT: Well, I do think Ms. Anton needs to
12:21:02 22 clarify.

12:21:04 23 MR. ORMAN: I'd like to make a point, Judge.

12:21:06 24 THE COURT: You certainly are free to cross-examine
12:21:08 25 this witness about the extent of his contacts with Ms. Anton.

12:21:18 1 MR. ORMAN: I just want to put this on the record, if
12:21:20 2 I may, Judge. I have gone out of my way in this case to avoid
12:21:24 3 any embarrassment of any government witness or agent, and
12:21:30 4 counsel will verify that. They would come to me and say,
12:21:34 5 don't embarrass this witness about this, don't embarrass this
12:21:38 6 witness about that, and I agreed, I believe, in every
12:21:42 7 instance. You can ask him; they will tell you. This is not
12:21:44 8 an attempt to embarrass anybody. We don't do that.

12:21:50 9 THE COURT: Well, you might consider a stipulation,
12:21:52 10 too.

12:21:56 11 MR. HAMMERMAN: We can talk to defense counsel about
12:21:58 12 that.

12:22:00 13 THE COURT: All right.

12:22:04 14 MR. HAMMERMAN: Thank you, your Honor.

12:22:06 15 MR. COLE: Thank you.

12:22:08 16 (The trial was adjourned at 12:20 p.m. until 1:15 p.m. of
12:22:14 17 this same day and date.)

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Docket No. 11 CR 119
)	
Plaintiff,)	
)	
vs.)	
)	
JASWINDER RAI CHHIBBER,)	Chicago, Illinois
)	March 5, 2012
Defendant.)	1:15 o'clock p.m.

TRIAL TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE SUZANNE B. CONLON, AND A JURY
VOLUME 3-B

APPEARANCES:

For the Plaintiff:	HON. PATRICK FITZGERALD United States Attorney BY: MR. SAMUEL B. COLE MR. JOEL M. HAMMERMAN 219 S. Dearborn St., Suite 500 Chicago, Illinois 60604
For the Defendant:	PUGH, JONES & JOHNSON, P.C. BY: MR. WALTER JONES, JR. 180 North LaSalle Street, Suite 3400 Chicago, IL 60601 (312) 768-7800 LAW OFFICE OF ROBERT ORMAN BY: MR. ROBERT ORMAN One North LaSalle Street, Suite 1775 Chicago, IL 60602 (312) 372-0515
Court Reporter:	MS. CAROLYN R. COX, CSR, RPR, CRR, FCRR Official Court Reporter 219 S. Dearborn Street, Suite 1854-B Chicago, Illinois 60604 (312) 435-5639

01:16:08 1 (The following proceedings were had in open court in the
01:16:08 2 presence and hearing of the jury:)

01:16:08 3 THE COURT: Sir, you are still under oath. Would you
01:16:12 4 restate your full name for the record.

01:16:14 5 THE WITNESS: Fahad Qasim.

01:16:18 6 MR. HAMMERMAN: May I proceed, your Honor?

01:16:20 7 THE COURT: Yes.

01:16:22 8 - - -

01:16:22 9 FAHAD QASIM, DIRECT EXAMINATION CONTINUED

01:16:22 10 BY MR. HAMMERMAN:

01:16:22 11 Q. Mr. Qasim, before we broke for lunch, I think we were
01:16:22 12 talking about the time in which you sit down with the patient
01:16:22 13 immediately preceding the scans that you were going to
01:16:32 14 perform. Do you remember those questions?

01:16:32 15 A. Yes.

01:16:34 16 Q. You said that one of the things that you do at the time
01:16:36 17 that you are questioning a patient was filling out a form; is
01:16:36 18 that right?

01:16:38 19 A. Yes.

01:16:38 20 Q. What type of information would you put in that form?

01:16:42 21 A. The patient's name, ordering physician, date, gender,
01:16:48 22 sometimes their history, and then...

01:16:54 23 Q. Let me stop you for a second. When you say "their
01:16:56 24 history," what do you mean by their history?

01:16:58 25 A. If they have ever had a history of high blood pressure or

01:17:04 1 chest pains or shortness of breath, if they note they have a
01:17:06 2 murmur, any surgeries they may have had.

01:17:10 3 Q. Why would that information be important to your testing
01:17:14 4 procedure, why is that necessary?

01:17:16 5 A. As far as I understood, it was just relating the test to
01:17:24 6 the patient's history and giving that to whatever physician
01:17:30 7 was going to take -- look at the test and write his findings.

01:17:34 8 Q. When you asked patients that information, was it your
01:17:38 9 understanding that that information could be relayed to a
01:17:42 10 future physician for interpreting the results?

01:17:46 11 A. Yes.

01:17:46 12 Q. Did you have conversations with patients about the
01:17:56 13 information that you were reading in Dr. Chhibber's history
01:18:00 14 and diagnoses sections of the progress notes?

01:18:04 15 A. Yes.

01:18:04 16 Q. Did patients ever contest the information that you were
01:18:08 17 questioning them about?

01:18:10 18 MR. ORMAN: Objection, your Honor.

01:18:10 19 THE COURT: Sustained.

01:18:14 20 BY MR. HAMMERMAN:

01:18:16 21 Q. Do you remember, Mr. Qasim, any specific conversations
01:18:20 22 with any particular patients about what was in their charts
01:18:24 23 and what you were questioning them about for purposes of
01:18:28 24 performing your tests?

01:18:30 25 A. Yes.

01:18:30 1 Q. Do you remember by way of example any names of any
01:18:34 2 patients with whom you had these types of conversations?
01:18:36 3 A. Yes, there was one patient that came in quite frequently.
01:18:40 4 Q. What was the patient's name?
01:18:42 5 A. His name was Melvin Rogers.
01:18:44 6 Q. And when you say he "came in quite frequently" -- let me
01:18:48 7 try that again.
01:18:48 8 When you say he "came in quite frequently," did you
01:18:52 9 see this patient quite frequently?
01:18:54 10 A. Yes.
01:18:54 11 Q. For what purpose?
01:18:56 12 A. Different types of ultrasounds.
01:18:58 13 Q. Did you perform multiple ultrasounds on this patient?
01:19:04 14 A. Yes.
01:19:04 15 Q. Do you remember any conversations with this patient about
01:19:08 16 his history and diagnoses?
01:19:10 17 A. Yes.
01:19:10 18 Q. Do you remember with this Melvin Rogers, whether that was
01:19:16 19 one of your initial meetings with him or subsequent, do you
01:19:18 20 remember when in --
01:19:20 21 A. It was early on in my employment, the first few months.
01:19:22 22 Q. And do you remember the type of information you asked him?
01:19:26 23 A. Yes.
01:19:26 24 Q. What type of information did you ask Melvin Rogers?
01:19:30 25 MR. ORMAN: Objection, your Honor.

01:19:32 1 THE COURT: Sustained. Hearsay.

01:19:34 2 BY MR. HAMMERMAN:

01:19:48 3 Q. During the first year that you worked with Dr. Chhibber at

01:19:50 4 the Cottage Grove Community Medical Clinic, how many tests

01:19:54 5 were you performing on average in a day, Mr. Qasim?

01:20:02 6 A. I'd say from 10 to 25, maybe more.

01:20:04 7 Q. And, again, what type of tests were these?

01:20:08 8 A. They were echos, carotids, abdominal ultrasounds, others.

01:20:12 9 Q. How long does it take you to perform one of these

01:20:16 10 ultrasound tests normally if done correctly by you?

01:20:20 11 A. 15 to 20 minutes.

01:20:22 12 Q. Would that also include 15 to 20 minutes to do an

01:20:26 13 echocardiogram?

01:20:26 14 A. Yes.

01:20:28 15 Q. Would it also take 15 to 20 minutes to do a carotid

01:20:32 16 Doppler test?

01:20:32 17 A. Yes.

01:20:32 18 Q. 15 to 20 minutes to do an abdominal ultrasound?

01:20:36 19 A. Yes.

01:20:36 20 Q. When you worked for Dr. Chhibber at the Cottage Grove

01:20:40 21 Community Medical Clinic, were you able to take 15 to 20

01:20:42 22 minutes to perform these tests?

01:20:44 23 A. No.

01:20:44 24 Q. Why not?

01:20:44 25 A. It's too many patients, too many exams for one person to

01:20:50 1 do in one day.

01:20:50 2 Q. Did you ever have any conversations with Dr. Chhibber
01:20:56 3 regarding the length of time that you should take in
01:20:58 4 performing these various tests?

01:21:00 5 A. I never had conversations with him. There were a few
01:21:06 6 times where --

01:21:10 7 THE COURT: All right. The answer is no then.

01:21:12 8 BY MR. HAMMERMAN:

01:21:12 9 Q. Did you have any interaction with him regarding the length
01:21:14 10 of time it took you to perform these tests?

01:21:16 11 A. Yes.

01:21:16 12 Q. And in how many instances can you recall where you had
01:21:22 13 these types of interactions?

01:21:22 14 A. Two, maybe three times.

01:21:24 15 Q. All right. Let's take the first one.

01:21:26 16 Do you remember, first of all, when in the term of
01:21:30 17 your employment that occurred?

01:21:30 18 A. Yes.

01:21:32 19 Q. When did it occur?

01:21:34 20 A. Very early on, like the first two months I was working
01:21:38 21 there.

01:21:38 22 Q. Where did this -- first of all, was it a meeting? Let me
01:21:44 23 rephrase that.

01:21:44 24 How did this occurrence -- who was involved in this
01:21:48 25 occurrence?

01:21:48 1 A. I was seeing a patient and Dr. Chhibber came in and spoke
01:21:54 2 with me.
01:21:54 3 Q. Was anyone else present besides you, Dr. Chhibber, and the
01:21:58 4 patient?
01:21:58 5 A. No.
01:21:58 6 Q. Do you remember what you were doing with the patient at
01:22:00 7 the time that Dr. Chhibber came in?
01:22:00 8 A. Yes.
01:22:02 9 Q. What were you doing?
01:22:02 10 A. I was performing an echo.
01:22:06 11 Q. Okay. And where did this occurrence where Dr. Chhibber
01:22:10 12 came in when you were performing the echo actually take place?
01:22:14 13 A. The ultrasound room at the Cottage Grove clinic.
01:22:18 14 Q. All right. When Dr. Chhibber came into this particular
01:22:20 15 test, did he say anything to you?
01:22:22 16 A. Yes.
01:22:22 17 Q. What did he say to you?
01:22:24 18 A. I was in the middle of my test and he came in and looked
01:22:30 19 at the screen for a moment and patted me on the back and said,
01:22:34 20 That should be enough.
01:22:36 21 Q. That should be what?
01:22:36 22 A. That should be enough.
01:22:38 23 Q. Were you done performing the echocardiogram of that
01:22:42 24 patient at that time?
01:22:42 25 A. No, I wasn't.

01:22:44 1 Q. What did you do when Dr. Chhibber patted you on the back
01:22:48 2 and said that is enough?

01:22:50 3 A. I took maybe just one more minute to get a couple of more
01:22:56 4 measurements for my report and I ended the exam.

01:22:58 5 Q. Was this the only time in which Dr. Chhibber had an
01:23:02 6 interaction with you that was similar to the one we have just
01:23:04 7 discussed?

01:23:04 8 A. No.

01:23:06 9 Q. Did it happen on a subsequent occurrence?

01:23:08 10 A. Yes.

01:23:08 11 Q. In relation to the occurrence that you just relayed to the
01:23:12 12 jury, when did that transpire?

01:23:16 13 A. Maybe in the month following.

01:23:20 14 Q. Okay. And what were you doing at that time?

01:23:22 15 A. At that time I believe I was also doing an echo.

01:23:26 16 Q. And where were you doing this echo?

01:23:30 17 A. The ultrasound room at Cottage Grove.

01:23:38 18 Q. Who was present?

01:23:40 19 A. Myself, the patient, and Dr. Chhibber.

01:23:42 20 Q. Can you explain to the members of the jury what happened
01:23:44 21 when Dr. Chhibber came into the room?

01:23:44 22 A. He came into the room and looked at the screen for a
01:23:48 23 moment and asked me how much time was left, he told me there
01:23:50 24 was a couple of patients waiting, told me the names, which I
01:23:54 25 don't recall, and kind of hinted at just hurrying up.

01:24:00 1 Q. What did you do after this second occurrence?

01:24:02 2 A. Again, I just took like the essential measurements I

01:24:10 3 needed, like the bear minimum, so I could fill out my report

01:24:14 4 page and finish the exam.

01:24:16 5 Q. Were you done actually performing the exam at that time?

01:24:20 6 A. No.

01:24:22 7 Q. On either of these occurrences, did Dr. Chhibber ask you

01:24:24 8 the status of the test you were performing before telling you

01:24:26 9 that that was good enough?

01:24:28 10 A. No.

01:24:30 11 Q. Did he ask you how much longer you needed to complete your

01:24:32 12 examination before telling you that this was good enough?

01:24:34 13 A. No.

01:24:36 14 Q. Did he ask you about your findings, what data you had

01:24:40 15 retrieved before telling you that this is good enough?

01:24:42 16 A. No.

01:24:42 17 Q. Did he ask you to look at any of the pictures that you had

01:24:46 18 taken during those exams before telling you that it was good

01:24:50 19 enough?

01:24:50 20 A. No.

01:24:50 21 Q. Did he ask to look at any of the video that you had taken

01:24:54 22 during those echocardiograms before telling you it was good

01:24:58 23 enough?

01:24:58 24 A. No.

01:24:58 25 Q. Did he say anything to you or ask -- let me rephrase that.

01:25:04 1 Did he ask to speak or consult with you on anything
01:25:06 2 before telling you that what you had already done was good
01:25:10 3 enough?

01:25:10 4 A. No.

01:25:10 5 Q. Following these interactions, did your methodology of
01:25:18 6 testing patients at the Cottage Grove Community Medical Clinic
01:25:22 7 change in any way?

01:25:24 8 A. Yes.

01:25:24 9 Q. How did it change?

01:25:24 10 A. I shortened them pretty drastically.

01:25:28 11 Q. I'm sorry?

01:25:30 12 A. I shortened my exam time pretty drastically.

01:25:34 13 Q. Aggressively.

01:25:34 14 A. Drastically.

01:25:34 15 Q. You have to speak up and into the microphone, please.

01:25:38 16 What do you mean when you say you sped things up,
01:25:42 17 what does that mean?

01:25:44 18 A. Well, say, with echocardiograms, we record videos, videos
01:25:50 19 of the heart beating in different points at different angles.
01:25:56 20 In a normal exam, I take -- you know, spend a few minutes on
01:26:02 21 each plane getting a good image of the heart muscle pumping.

01:26:10 22 When I kind of changed my exams to keep up with Dr.
01:26:12 23 Chhibber's pace, you know, I took very little, almost no
01:26:18 24 video. There was a lot of times where we didn't even have
01:26:20 25 blank tapes.

01:26:22 1 MR. ORMAN: Objection, your Honor. No question
01:26:24 2 pending.

01:26:26 3 THE COURT: Sustained.

01:26:26 4 BY MR. HAMMERMAN:

01:26:26 5 Q. You're saying you wouldn't take videos. Was there
01:26:28 6 anything else you did to expedite your testing?

01:26:30 7 A. Yes, I would take less still images, less printouts.

01:26:36 8 Q. How fast could you, using this expedited methodology,
01:26:42 9 actually perform an ultrasound in Dr. Chhibber's office?

01:26:46 10 A. I would say three to five minutes.

01:26:48 11 Q. Well, Mr. Qasim, how could you record all the information
01:26:52 12 that you needed in just three to five minutes?

01:26:54 13 A. I would just get the measurements required to fill out the
01:26:58 14 tech sheet.

01:27:00 15 Q. What do you mean by that?

01:27:00 16 A. There is a preliminary report form that we fill out where
01:27:06 17 we attach our images and send that to the reading doctor, and
01:27:14 18 that has different measurements for different exams. Carotid
01:27:18 19 has a few measurements that we write down, echo has a few more
01:27:26 20 measurements than that.

01:27:26 21 Q. If you had taken longer to do these tests, would you have
01:27:28 22 obtained different or additional information?

01:27:30 23 A. Yes.

01:27:32 24 MR. ORMAN: Objection. Calls for speculation, Judge.

01:27:34 25 THE COURT: Sustained.

01:27:36 1 BY MR. HAMMERMAN:

01:27:36 2 Q. If you had taken additional time to take the tests, what
01:27:40 3 else would you have done?

01:27:40 4 A. I would have taken more measurements, more Doppler
01:27:46 5 measurements, I would have taken more images, I would have
01:27:48 6 recorded more video clips, I would have taken more imaging
01:27:52 7 planes.

01:27:52 8 Q. Is that the way that you were instructed on how to do
01:27:56 9 these tests when you went to school for it?

01:27:58 10 A. Yes.

01:27:58 11 Q. Now, what would you do with the reports that you did
01:28:02 12 generate or the data that you did generate once you had
01:28:06 13 performed an ultrasound test?

01:28:08 14 A. I would fill out the tech sheet, I would write all my
01:28:14 15 measurements down. If there were any findings, I would mark
01:28:18 16 those down as well, I would make a copy of the tech sheet and
01:28:20 17 put one in the chart, and the original images, I would staple
01:28:24 18 those to the tech sheet that I wrote out and then put that on
01:28:28 19 the shelf for the doctor to see.

01:28:30 20 Q. Did your process of putting one of these copies in the
01:28:34 21 chart and one of them on the shelf for the doctor change at
01:28:38 22 some point in time?

01:28:38 23 A. Yes.

01:28:38 24 Q. Approximately how long into that first year that you were
01:28:42 25 working for Dr. Chhibber did it change?

01:28:44 1 A. Close to a year.

01:28:46 2 Q. And how did it change?

01:28:46 3 A. I started including -- instead of making a separate copy
01:28:54 4 of my tech sheet, I would just staple the printouts that I got
01:29:00 5 from the machine and staple that to the sheet and put
01:29:04 6 everything in the chart instead of separating them.

01:29:06 7 Q. Is there a reason that you changed your methodology?

01:29:10 8 A. Just to speed things up. No one minded. No one ever said
01:29:18 9 anything, so I thought it was okay.

01:29:20 10 Q. Well, did Dr. Chhibber ever talk to you that you weren't
01:29:22 11 leaving him a second copy to review?

01:29:24 12 A. No.

01:29:24 13 Q. How would you describe the work product that you were
01:29:32 14 generating on behalf of Dr. Chhibber's clients at the Cottage
01:29:36 15 Grove Community Medical Clinic?

01:29:36 16 MR. ORMAN: Object to the question, your Honor.

01:29:38 17 THE COURT: Sustained.

01:29:40 18 BY MR. HAMMERMAN:

01:29:42 19 Q. Did you ever have any conversations with Dr. Chhibber
01:29:44 20 regarding the form or the substance of the reports that you
01:29:46 21 generated?

01:29:48 22 A. No.

01:29:48 23 Q. Did Dr. Chhibber ever ask to discuss your readings with
01:29:52 24 you?

01:29:52 25 A. No.

01:29:54 1 Q. Did he ever ask you for the imagery that you had generated
01:29:58 2 during your ultrasound exams to discuss them with you?

01:30:02 3 A. No.

01:30:02 4 Q. Did Dr. Chhibber ever comment and observe your
01:30:04 5 examinations from start to finish to see how you were
01:30:08 6 performing your tests?

01:30:08 7 A. No.

01:30:08 8 Q. Did he ever have any questions for you about your data or
01:30:12 9 your findings?

01:30:14 10 A. No.

01:30:14 11 Q. Now, you've talked a little bit today about recording
01:30:20 12 information on a tech sheet. Can you just explain what a tech
01:30:24 13 sheet is for the jury.

01:30:24 14 A. Sure. It's a form where we write the patient's name, the
01:30:30 15 date, the test ordered. Each different type of test has a
01:30:34 16 different tech sheet. It has spaces to write measurements you
01:30:42 17 would normally record during that exam.

01:30:44 18 Q. Did you ever write -- do you know if -- let me rephrase
01:30:48 19 that.

01:30:50 20 Do you know if the final reports interpreting your
01:30:52 21 data were generated at the Cottage Grove Community Medical
01:30:58 22 Clinic?

01:30:58 23 A. I knew -- I saw them being generated.

01:31:02 24 Q. Well, first of all, whose responsibility was it to
01:31:06 25 generate those final reports?

01:31:06 1 A. Dr. Chhibber.

01:31:08 2 Q. Do you know if Dr. Chhibber performed that task?

01:31:10 3 A. I believe he didn't.

01:31:12 4 Q. He did or did not?

01:31:14 5 A. I believe he did not.

01:31:16 6 Q. Do you have an idea of who did actually generate the final
01:31:22 7 reports that you said were done?

01:31:24 8 A. Yes.

01:31:24 9 Q. Who?

01:31:24 10 A. Mr. Baig.

01:31:26 11 Q. Who is Mr. Baig again?

01:31:28 12 A. Mr. Baig is the other ultrasound tech that worked with
01:31:32 13 Dr. Chhibber.

01:31:32 14 Q. Do you have an understanding of when Mr. Baig performed
01:31:36 15 those final reports or wrote those final reports?

01:31:38 16 A. Yes.

01:31:40 17 Q. When did that occur?

01:31:40 18 A. That occurred early 2010.

01:31:46 19 Q. Do you know the circumstances pursuant to which Mr. Baig
01:31:50 20 began writing those reports?

01:31:52 21 A. Why he began writing the reports?

01:31:56 22 Q. Yes.

01:31:58 23 A. To my understanding, they weren't being interpreted by any
01:32:02 24 physicians. I never saw them going out, and, you know, an
01:32:08 25 exam I would do a few months before would still be sitting on

01:32:12 1 a shelf a few months later. At some point, they wanted to
01:32:16 2 get --

01:32:16 3 MR. ORMAN: Objection, your Honor. No question
01:32:18 4 pending.

01:32:18 5 THE COURT: Sustained.

01:32:20 6 BY MR. HAMMERMAN:

01:32:22 7 Q. How old were some of the exams that you had done that were
01:32:28 8 then being turned into reports by Mr. Baig?

01:32:30 9 A. Up to years, a few years, even before I was working there.

01:32:34 10 Q. You previously stated that you performed multiple tests a
01:32:40 11 day for Dr. Chhibber?

01:32:42 12 A. Yes.

01:32:42 13 Q. Did you ever perform multiple exams on the same patient
01:32:48 14 during a single office visit?

01:32:50 15 A. Yes.

01:32:50 16 Q. Did that happen irregularly, regularly, frequently?

01:32:56 17 A. Very frequently.

01:32:56 18 Q. Did you ever perform ultrasound tests on patients who had
01:33:04 19 already received ultrasound tests on previous visits to the
01:33:08 20 clinic?

01:33:08 21 A. Yes.

01:33:08 22 Q. How would you know that they had been in for an ultrasound
01:33:14 23 test previously?

01:33:14 24 A. Either I looked at their chart and I saw older studies or
01:33:22 25 I did that myself before.

01:33:22 1 Q. Did patients question you about the tests they were
01:33:26 2 receiving and why they were receiving them?

01:33:26 3 MR. ORMAN: Objection, your Honor.

01:33:28 4 THE COURT: Sustained.

01:33:30 5 BY MR. HAMMERMAN:

01:33:32 6 Q. Mr. Qasim, did you ever perform ultrasound tests on
01:33:36 7 patients before they were seen by Dr. Chhibber at the clinic?

01:33:40 8 A. Yes.

01:33:40 9 Q. First of all, how often did this occur?

01:33:42 10 A. It occurred fairly regularly, maybe half the time.

01:33:46 11 Q. And under what circumstances were you seeing patients to
01:33:50 12 perform ultrasound exams before they were seen by

01:33:54 13 Dr. Chhibber?

01:33:54 14 A. Meaning how did I do that?

01:33:58 15 Q. How did that come about?

01:34:02 16 A. When I would come into the clinic, it was usually before
01:34:04 17 the doctor was there.

01:34:06 18 Q. What time did the clinic open?

01:34:08 19 A. I believe at 9:00 a.m.

01:34:10 20 Q. What time would the patients arrive at the clinic?

01:34:12 21 A. Shortly after it opened.

01:34:12 22 Q. What time would Dr. Chhibber arrive?

01:34:16 23 A. It was really different every day. Sometimes 11:00,
01:34:18 24 sometimes 12:00, sometimes 1:00.

01:34:20 25 Q. What would happen to the patients between the time that

01:34:24 1 the clinic opened and the time that Dr. Chhibber arrived?

01:34:26 2 A. They would just be waiting in the waiting area.

01:34:30 3 Q. Did you ever perform tests on patients before Dr. Chhibber
01:34:32 4 arrived when he was not yet in the office?

01:34:34 5 A. Yes.

01:34:36 6 Q. Did you obtain any form of authorization before you
01:34:40 7 performed those tests?

01:34:42 8 A. Sometimes I spoke to Dr. Chhibber and I told him what
01:34:48 9 patients were there.

01:34:48 10 Q. Let me ask you about that. You say you spoke to
01:34:50 11 Dr. Chhibber. How did you speak to Dr. Chhibber?

01:34:54 12 MR. ORMAN: Objection, foundation.

01:34:54 13 THE COURT: Would you lay the foundation, please.

01:34:58 14 BY MR. HAMMERMAN:

01:35:00 15 Q. How often would you be in contact with Dr. Chhibber prior
01:35:02 16 to him arriving at the office?

01:35:04 17 A. At least once a week.

01:35:06 18 Q. Okay. And when you had these forms of contact, what was
01:35:10 19 the way in which you spoke to him?

01:35:12 20 A. He would call either my cell phone or call the clinic.

01:35:16 21 Q. And what would you discuss during those calls?

01:35:20 22 A. I would let him know what patients were there and when was
01:35:26 23 the last time they had any type of ultrasound done and
01:35:28 24 periodically what insurance they had.

01:35:30 25 Q. Did Dr. Chhibber ask you about the patient's prior

01:35:36 1 diagnoses during these telephone calls?

01:35:38 2 A. No.

01:35:38 3 Q. Did he ask you about any patient physical complaints when
01:35:42 4 they came into the office during these telephone calls?

01:35:46 5 A. No, he didn't.

01:35:46 6 Q. Based on those conversations, did you perform ultrasound
01:35:54 7 tests?

01:35:54 8 A. Yes.

01:35:54 9 Q. What types of ultrasound tests?

01:35:56 10 A. Echos, carotids, abdomens.

01:35:58 11 Q. Did you ever perform ultrasound tests before Dr. Chhibber
01:36:04 12 came in the office without having authorization from

01:36:06 13 Dr. Chhibber?

01:36:06 14 A. Sometimes he would speak to the medical assistants and go
01:36:14 15 over it with them, but on my own or through anyone else, no.

01:36:18 16 Q. Well, did you ever perform a test without thinking that
01:36:20 17 you had obtained authorization to do it?

01:36:22 18 A. No.

01:36:22 19 Q. I want to go over a patient chart with you in particular.
01:36:26 20 I think I handed it up to you before. It should still be in
01:36:30 21 front of you. Government Exhibit 340, do you have that up
01:36:32 22 there?

01:36:32 23 A. It's not up here anymore.

01:36:36 24 Q. I apologize. I thought it was on the witness stand.

01:37:02 25 First of all, Mr. Qasim, have you seen that chart

01:37:08 1 before?

01:37:08 2 A. Yes.

01:37:08 3 Q. I'd like to go first to the progress note. I think there

01:37:10 4 is a little red flag on it.

01:37:12 5 A. Okay.

01:37:12 6 Q. It should also be up on the screen here.

01:37:22 7 That's the same progress note that we looked at

01:37:24 8 before lunch today. Do you recognize it?

01:37:26 9 A. Yes.

01:37:28 10 Q. You noted before that there were two ultrasound tests

01:37:32 11 noted in the testing section on that chart; is that right?

01:37:36 12 A. Yes.

01:37:36 13 Q. What were those tests?

01:37:38 14 A. An echo and a carotid.

01:37:38 15 Q. Do you know who performed those tests?

01:37:40 16 A. If the tech sheet is in here, I could tell you. The date

01:37:48 17 is 3/4. The tech sheet says 3/4/09, and it's my handwriting,

01:37:54 18 so I did it.

01:37:54 19 Q. You recognize your handwriting on the tech sheets?

01:37:56 20 A. Yes.

01:37:58 21 Q. Is there a tech sheet for both the echocardiogram and the

01:38:02 22 carotid Doppler?

01:38:04 23 A. Yes.

01:38:04 24 Q. I'd like to turn first to the tech sheet for the

01:38:10 25 echocardiogram.

01:38:12 1 A. Okay.

01:38:12 2 Q. Is that it right there on the screen?

01:38:20 3 A. Yes.

01:38:20 4 Q. Let's look at the top half of that particular page for a

01:38:24 5 second. Do you see there it has information about the

01:38:30 6 patient?

01:38:30 7 A. Um-hmm.

01:38:32 8 Q. The name, et cetera?

01:38:32 9 A. Yes.

01:38:32 10 Q. Do you recognize that handwriting?

01:38:34 11 A. That's my handwriting.

01:38:36 12 Q. All right. There's also a patient history section. Do

01:38:40 13 you see that?

01:38:40 14 A. Yes.

01:38:40 15 Q. When you were talking before about filling out a patient

01:38:42 16 history, is that the area in which you would do it?

01:38:46 17 A. Yes.

01:38:46 18 Q. Did you do it with respect to this patient?

01:38:48 19 A. No, I didn't.

01:38:48 20 Q. Is there any reason that you would or would not record a

01:38:52 21 patient's history?

01:38:52 22 A. Not specifically. Sometimes I did and sometimes I didn't.

01:38:58 23 Sometimes I spoke about it but didn't record it.

01:39:00 24 Q. Then going down to the middle section of this particular

01:39:04 25 tech sheet, I will highlight it here for you, do you see that?

01:39:14 1 A. Yes.

01:39:14 2 Q. There are a lot of what I will refer to as technical

01:39:18 3 jargon and then some lines for measurements. Do you see that?

01:39:20 4 A. Yes.

01:39:20 5 Q. During your exam, is this the tech sheet that you would

01:39:24 6 fill out for an echocardiogram?

01:39:26 7 A. Yes.

01:39:26 8 Q. Let's go now to the carotid Doppler tech sheet. Do you

01:39:42 9 recognize that?

01:39:42 10 A. Yes.

01:39:42 11 Q. Once again, whose handwriting is this?

01:39:44 12 A. That is mostly my handwriting.

01:39:48 13 Q. Okay. Looking at the top section, is that once again a

01:39:52 14 tech sheet for a carotid Doppler of Tiffany Shirley?

01:39:58 15 A. Yes.

01:39:58 16 Q. And if you go back -- once again, the information that is

01:40:28 17 in the carotid Doppler section on the lower half of the page,

01:40:32 18 do you see that?

01:40:32 19 A. Yes.

01:40:32 20 Q. Without getting into the technical jargon of what all of

01:40:36 21 these letters stand for, is this where you record your

01:40:42 22 measurements as you did an examination?

01:40:44 23 A. Yes.

01:40:44 24 Q. There is a section below there that says Impressions.

01:40:48 25 What is Impressions?

01:40:50 1 A. There we would write if we found any pathology, disease.

01:40:54 2 Q. And a blank impression section, what is the import of

01:40:58 3 that?

01:40:58 4 A. It's normal.

01:41:00 5 Q. Now, going back into the chart, do you see any reports

01:41:06 6 that were generated in connection with these two tests that

01:41:12 7 you performed? And we will throw the first one on the screen

01:41:16 8 which is the report for the echocardiogram.

01:41:18 9 A. Yes, I do see two final reports.

01:41:22 10 Q. First of all, did you generate these reports?

01:41:24 11 A. No.

01:41:26 12 Q. Are these the reports before that you were talking about

01:41:28 13 being generated by somebody else in the office?

01:41:30 14 A. Yes.

01:41:30 15 Q. Once again, who is the person that you saw generating

01:41:32 16 these reports?

01:41:34 17 A. Mr. Baig.

01:41:34 18 Q. Is this the kind of final report summarizing the

01:41:40 19 echocardiogram that was done with Tiffany Shirley?

01:41:44 20 A. Yes.

01:41:44 21 Q. Looking at the echocardiogram report and the

01:41:56 22 echocardiogram section that you filled out in your tech sheet,

01:42:02 23 do you see any inconsistencies?

01:42:06 24 A. The IV septal wall thickness measurement is wrong.

01:42:06 25 Q. I'm sorry. Could you state that again?

01:42:24 1 A. The IV septal wall thickness measurement is not correct on
01:42:24 2 the report.

01:42:24 3 Q. How is it different than your findings?

01:42:28 4 A. The one I obtained that I wrote was 0.992 centimeters. In
01:42:36 5 the report, it says 1.2 centimeters.

01:42:40 6 Q. I am showing your findings right here up on the screen
01:42:46 7 again. Where is that that you're talking about?

01:42:48 8 A. There are septal -- just above where it says, Noted
01:42:48 9 valvular insufficiencies --

01:42:48 10 Q. Yes.

01:43:04 11 A. -- it's the third one from the top.

01:43:04 12 MR. ORMAN: I object to this, your Honor.

01:43:06 13 THE COURT: Sustained.

01:43:08 14 BY MR. HAMMERMAN:

01:43:08 15 Q. Tell the jury the things that are different between this
01:43:10 16 report and your findings.

01:43:12 17 A. The IV septal wall thickness measurements do not match.

01:43:16 18 Q. Okay. How are they different?

01:43:18 19 A. The measurement that I took was 0.992, and in the final
01:43:22 20 report, it's 1.2.

01:43:26 21 Q. Okay.

01:43:26 22 A. The aortic root diameter measurement that I took was 2.42
01:43:34 23 and the report is 3.5. It doesn't look like I took an aortic
01:43:42 24 valve excursion measurement opening, and there is a valve
01:43:48 25 opening measurement here of a range of 1.5 to 2.6.

01:43:54 1 Q. So you're saying -- I am putting it back up on the screen.
01:43:58 2 You are saying that there is actually a section where you
01:44:00 3 didn't fill out the information like here, is that what you
01:44:04 4 are referring to?
01:44:06 5 A. Right there, yeah.
01:44:06 6 Q. And there is a reading in the report?
01:44:08 7 A. Yes.
01:44:08 8 Q. Is that the reading right there?
01:44:12 9 A. Yes.
01:44:14 10 Q. What other things are different?
01:44:20 11 A. There is a measurement that I wrote for MV excursion.
01:44:36 12 Q. What's that?
01:44:36 13 A. I wrote 10.05. On the final report, it says 1.6 to 2.8
01:44:42 14 centimeters.
01:44:44 15 Q. Are these measurements that you take and fill out on a
01:44:46 16 tech sheet as part of an echocardiogram exam important?
01:44:50 17 A. Yes.
01:44:50 18 Q. Why?
01:44:52 19 A. Because these are the measurements that go into the final
01:44:56 20 report and they are the findings of the patient that are
01:45:00 21 reviewed later compared to subsequent studies, stuff like
01:45:04 22 that.
01:45:04 23 Q. Is this report, the echocardiogram, the final report
01:45:08 24 that's under the name of Dr. Chhibber that's maintained in her
01:45:10 25 patient chart, an accurate representation of your findings

01:45:16 1 during the examination of Ms. Tiffany Shirley-Terrell?

01:45:22 2 A. There are some inaccuracies.

01:45:24 3 Q. Let me ask you another -- there are some inaccuracies is
01:45:28 4 what you said?

01:45:28 5 A. Yes.

01:45:28 6 Q. I want to ask you another question about one of the
01:45:30 7 summary of findings on that report. Do you see that? There
01:45:38 8 are six noted final summaries findings, but there's only a 1,
01:45:44 9 2, 3, 5, and 6. I want to ask you about number five. Do you
01:45:48 10 see where it says, No intracranial shunt noted?

01:45:50 11 MR. ORMAN: I want to object to the relevancy of
01:45:52 12 this, your Honor.

01:45:52 13 THE COURT: Sustained.

01:45:52 14 BY MR. HAMMERMAN:

01:45:54 15 Q. Let me ask you this, Mr. Qasim. Did you ever, while
01:45:56 16 taking an echocardiogram, take any measurements or do any kind
01:46:00 17 of examination of a person's head?

01:46:04 18 A. No. This --

01:46:10 19 MR. ORMAN: Objection.

01:46:12 20 THE COURT: Sustained.

01:46:12 21 MR. HAMMERMAN: You have to wait until I ask you a
01:46:14 22 question, Mr. Qasim.

01:46:16 23 BY MR. HAMMERMAN:

01:46:16 24 Q. I want to now refer you to the carotid Doppler exam. If I
01:46:24 25 can, Mr. Qasim, I want to grab the original from you for this.

01:46:28 1 Have you reviewed the tech sheet that you did for
01:46:30 2 this carotid Doppler examination?
01:46:36 3 A. Yes.
01:46:36 4 Q. Are there any inconsistencies between this tech sheet and
01:46:40 5 your report? And you reviewed this previously, correct?
01:46:42 6 A. Yes, I have.
01:46:44 7 Q. Are there any inconsistencies between the two?
01:46:46 8 MR. ORMAN: Object to the relevance on this, too.
01:46:48 9 THE COURT: Sustained.
01:46:48 10 BY MR. HAMMERMAN:
01:46:48 11 Q. Let me ask you this, Mr. Qasim. I just want to show you
01:46:52 12 your section here. This is your tech sheet, right, this is
01:46:56 13 the exam you filled out for Ms. Tiffany Shirley-Terrell?
01:47:02 14 A. Yes.
01:47:02 15 Q. Is that all of your handwriting?
01:47:04 16 A. No.
01:47:04 17 Q. What part is not your handwriting?
01:47:06 18 A. Towards the bottom where it says RT CCA as well as --
01:47:16 19 Q. That section here?
01:47:18 20 A. Yes, that's not my writing.
01:47:20 21 Q. Is that also different here for the LT ECA?
01:47:24 22 A. Yes.
01:47:24 23 Q. You can see that there is a handwriting or the original
01:47:28 24 there says WNL. What does that stand for?
01:47:32 25 MR. ORMAN: Object to relevancy, your Honor.

01:47:34 1 THE COURT: Sustained.

01:47:36 2 BY MR. HAMMERMAN:

01:47:36 3 Q. Is that your handwriting that replaced or put in the
01:47:40 4 values there in pencil?

01:47:40 5 A. No.

01:47:40 6 Q. Did you take those measurements of Ms. Tiffany
01:47:44 7 Shirley-Terrell?

01:47:46 8 A. No.

01:47:46 9 Q. How do you know that?

01:47:46 10 A. I would have recorded it on the tech sheet.

01:47:50 11 Q. Did you record them?

01:47:52 12 A. No.

01:47:52 13 Q. Did they end up in the final report, however?

01:47:58 14 A. Can you put the final report up? I believe they did.

01:48:00 15 Q. Absolutely.

01:48:02 16 Do you see them there?

01:48:04 17 A. Yes.

01:48:04 18 Q. Do you see those recordings for those two figures that you
01:48:10 19 did not record in your examination?

01:48:12 20 A. Yes.

01:48:12 21 Q. The right ECA and left ECA, was that data obtained during
01:48:24 22 your examination of Ms. Tiffany Shirley-Terrell?

01:48:32 23 A. No.

01:48:32 24 Q. Mr. Qasim, I am going to hand you what's been marked as
01:48:52 25 Government Exhibit 620. Have you seen this exhibit before,

01:48:54 1 sir?

01:48:54 2 A. Yes.

01:48:54 3 Q. What is this exhibit?

01:48:56 4 A. These are the logs that the ultrasound techs would fill

01:49:02 5 out for the patients that we saw and what exams we performed

01:49:06 6 for them.

01:49:06 7 Q. First of all, let's start with what you mean by logs.

01:49:08 8 What do you mean the logs that we filled out?

01:49:10 9 A. Just a form with their name, and we would check off what

01:49:18 10 exam.

01:49:18 11 Q. What information is contained within these logs?

01:49:22 12 A. Name and list of procedures.

01:49:24 13 Q. How were they filled out, what kind of regularity?

01:49:26 14 A. Every day that ultrasounds were performed.

01:49:30 15 Q. Who would fill out these logs?

01:49:32 16 A. Myself and Mr. Baig.

01:49:34 17 Q. Is this something that you did as a normal part of your

01:49:38 18 job?

01:49:38 19 A. Yes. It wasn't from day one, but a couple of months into

01:49:42 20 it, it was.

01:49:42 21 Q. Did you fill out these particular charts at or about the

01:49:58 22 time you saw the patients?

01:50:00 23 A. Yes.

01:50:00 24 Q. Does the information that is reflected in the charts

01:50:02 25 reflect the patient that you saw?

01:50:04 1 A. Yes.

01:50:04 2 Q. Does it reflect the procedures that you performed?

01:50:06 3 A. Yes.

01:50:06 4 Q. Were these records maintained in the Cottage Grove
01:50:14 5 Community Medical Clinic?

01:50:14 6 A. Yes.

01:50:14 7 Q. Where?

01:50:14 8 A. In the ultrasound room.

01:50:14 9 Q. Were they maintained on a daily basis?

01:50:16 10 A. Yes.

01:50:16 11 Q. Were the logs maintained?

01:50:18 12 A. Yes.

01:50:18 13 Q. Was it maintained in the ordinary course of your
01:50:20 14 employment at the Cottage Grove Community Medical Clinic?

01:50:22 15 MR. HAMMERMAN: Your Honor, at this point in time,
01:50:24 16 the government would seek to move what's been marked as
01:50:26 17 Government Exhibit 620.

01:50:28 18 THE COURT: Any objection?

01:50:30 19 MR. ORMAN: Yes, to the extent that this witness did
01:50:32 20 not fill out any of these pages.

01:50:34 21 THE COURT: All right. I will hear argument later on
01:50:36 22 Government Exhibit 620.

01:50:40 23 BY MR. HAMMERMAN:

01:50:46 24 Q. Looking through this particular exhibit -- do you have it
01:50:52 25 in front of you? What is reflected -- let's just go to page 2

01:51:02 1 of the exhibit.

01:51:02 2 A. Page 2?

01:51:04 3 Q. Yes.

01:51:04 4 A. Okay.

01:51:04 5 Q. What's reflected on that page? Is there patient names?

01:51:12 6 A. Date, patient names, studies performed.

01:51:16 7 Q. How would you mark what studies you performed?

01:51:20 8 MR. ORMAN: Objection, your Honor. He's got to
01:51:22 9 establish that did he this.

01:51:24 10 MR. HAMMERMAN: I am happy to do that, your Honor.

01:51:26 11 THE COURT: All right.

01:51:28 12 BY MR. HAMMERMAN:

01:51:28 13 Q. Mr. Qasim, looking at page 2, do you see the first patient
01:51:32 14 name there?

01:51:32 15 A. Yes.

01:51:32 16 Q. I will give you initials so as not to read it into the
01:51:36 17 record. DM, do you see that?

01:51:36 18 A. Yes.

01:51:36 19 Q. First of all, do you recognize the handwriting for all the
01:51:40 20 names that are listed on the left-hand side of the procedure
01:51:42 21 log?

01:51:42 22 A. Yes.

01:51:42 23 Q. Whose handwriting is that?

01:51:42 24 A. That's my handwriting.

01:51:44 25 Q. Do you see all the Xs that are underneath all the

01:51:46 1 different kinds of exams that were performed on that day?

01:51:50 2 A. Yes.

01:51:50 3 Q. Do you recognize who made those Xs?

01:51:52 4 A. Yes.

01:51:52 5 Q. Who made the Xs?

01:51:52 6 A. I did.

01:51:54 7 Q. How many patients were seen in the ultrasound room that

01:52:02 8 day by you, sir?

01:52:04 9 A. 11.

01:52:06 10 Q. Of those 11 patients, how many of them got a carotid

01:52:10 11 Doppler examination on that day?

01:52:12 12 A. Six.

01:52:16 13 Q. And what day is this?

01:52:16 14 A. January 13th, 2009.

01:52:20 15 Q. Six people out of the 11 got a carotid Doppler?

01:52:24 16 A. Yes.

01:52:24 17 Q. How many of those same people also got an echocardiogram?

01:52:26 18 A. All six.

01:52:30 19 Q. Did people other than those getting the carotid Dopplers

01:52:36 20 also get echocardiograms, were there additional

01:52:40 21 echocardiograms done?

01:52:40 22 A. Yes.

01:52:40 23 Q. How many people also got echocardiograms?

01:52:44 24 A. Two.

01:52:44 25 Q. So is that a total of eight people that got

01:52:48 1 echocardiograms that day?

01:52:50 2 A. Yes.

01:52:50 3 Q. Did people receive other tests on those days?

01:52:52 4 A. Yes.

01:52:52 5 Q. What other tests did you perform on that day?

01:52:58 6 A. Two arterial Dopplers for the legs, one abdomen, and one
01:53:04 7 thyroid.

01:53:04 8 Q. 18 tests you did that day?

01:53:12 9 THE COURT: Now you're referring to Government
01:53:16 10 Exhibit 620?

01:53:18 11 MR. HAMMERMAN: Yes, your Honor.

01:53:18 12 THE COURT: What page?

01:53:20 13 MR. HAMMERMAN: Page 2.

01:53:28 14 May I continue, your Honor?

01:53:30 15 THE COURT: Yes.

01:53:30 16 BY MR. HAMMERMAN:

01:53:30 17 Q. Go back to page 1, Mr. Qasim. Do you recognize the
01:53:34 18 handwriting on page 1?

01:53:34 19 A. Yes.

01:53:36 20 Q. Whose handwriting is it?

01:53:38 21 A. Mine.

01:53:38 22 Q. Do you recognize all the checks that were put on that
01:53:42 23 procedure log for that day?

01:53:42 24 A. Yes.

01:53:44 25 Q. Who wrote the checks?

01:53:46 1 A. The Xs, I did.

01:53:48 2 Q. The Xs, I apologize.

01:53:50 3 Did you write all those Xs?

01:53:52 4 A. Yes.

01:53:52 5 Q. How many patients were seen in the ultrasound examination
01:53:58 6 room on January 14th, 2008?

01:54:00 7 A. Seven.

01:54:02 8 Q. How many of those seven patients got carotid Dopplers?

01:54:12 9 A. Six.

01:54:12 10 Q. How many of those patients also got echocardiograms?

01:54:14 11 A. Four.

01:54:16 12 Q. Were any other tests performed that day?

01:54:18 13 A. Yes, three abdominal ultrasounds.

01:54:22 14 Q. How many patients got carotid Dopplers, echocardiograms,
01:54:26 15 abdominal ultrasounds all at the same time on that same day?

01:54:28 16 A. Two.

01:54:30 17 Q. Mr. Qasim, can you go forward to January 13th, 2009.

01:54:48 18 Actually, I think I already asked you about that. I
01:54:52 19 apologize.

01:54:52 20 January 27th of 2009, do you see that page?

01:55:00 21 A. Yes.

01:55:00 22 Q. Do you recognize the handwriting?

01:55:00 23 A. It's mine.

01:55:02 24 Q. Do you recognize the Xs in the boxes?

01:55:06 25 A. Yes.

01:55:06 1 Q. Who did that?

01:55:08 2 A. I did.

01:55:08 3 Q. Did you write down the names of patients when they came to

01:55:12 4 be seen in the ultrasound tech examination room that day?

01:55:14 5 A. Yes.

01:55:16 6 Q. Did you do so as one after the other came in?

01:55:18 7 A. Yes.

01:55:18 8 Q. How did you decide what boxes to check on that log that

01:55:24 9 day?

01:55:24 10 A. Based on what tests were ordered in the charts.

01:55:26 11 Q. Did you perform all the tests that were reflected on this

01:55:30 12 procedure log?

01:55:30 13 A. Yes.

01:55:30 14 Q. How many patients received a carotid Doppler -- first of

01:55:32 15 all, how many patients came in on that day, into the

01:55:36 16 ultrasound tech examination room?

01:55:38 17 A. Nine.

01:55:40 18 Q. How many of those nine people received a carotid Doppler?

01:55:42 19 A. Six.

01:55:46 20 Q. And how many of those six patients also received an

01:55:50 21 echocardiogram?

01:55:50 22 A. All six.

01:55:54 23 Q. Did additional patients also get echocardiograms that

01:55:56 24 didn't get carotid dopplers?

01:55:58 25 A. Yes.

01:55:58 1 Q. Did you do any other forms of ultrasounds on that day?

01:56:02 2 A. Yes, five abdominal ultrasounds.

01:56:06 3 Q. Did you do any arterial legs that day?

01:56:12 4 A. One arterial.

01:56:14 5 Q. How many people got carotid Dopplers, echocardiograms, and

01:56:16 6 abdominal ultrasounds all on the same day of January 27th,

01:56:20 7 2009?

01:56:20 8 A. Three.

01:56:22 9 Q. If you go to February 10th of 2009, do you recognize the

01:56:36 10 handwriting?

01:56:36 11 A. It's my handwriting.

01:56:40 12 Q. Do you recognize the checks or the marks that are in those

01:56:42 13 boxes?

01:56:42 14 A. Yes, I did that.

01:56:44 15 Q. Did you fill out this form?

01:56:44 16 A. Yes.

01:56:46 17 Q. Did you fill out the name -- how did you fill out the

01:56:50 18 names?

01:56:50 19 A. Before I started the study, I would write their name down

01:56:54 20 and the procedure.

01:56:58 21 Q. When you say "their name down," whose name?

01:57:00 22 A. The patient.

01:57:00 23 Q. The checks or the marks, the Xs, that are in all the

01:57:02 24 boxes, what do those reflect, Mr. Qasim?

01:57:06 25 A. The exams performed on them.

01:57:06 1 Q. How many people were seen in the ultrasound tech's exam
01:57:12 2 room on that day?
01:57:14 3 A. Ten.
01:57:16 4 Q. And how many of those ten people got carotid Dopplers?
01:57:20 5 A. Six.
01:57:24 6 Q. How many of those six people also got echocardiograms?
01:57:30 7 A. Six.
01:57:32 8 Q. Did you do additional echocardiograms that day?
01:57:34 9 A. Yes.
01:57:36 10 Q. Did you do arterial leg ultrasounds that day?
01:57:40 11 A. Yes.
01:57:40 12 Q. Do you have patients that received an echocardiogram, an
01:57:44 13 abdominal, and a pelvic ultrasound all on the same day?
01:57:48 14 A. Yes.
01:57:50 15 Q. Turn to March 4th of 2009. Do you see it?
01:58:06 16 A. Yes.
01:58:08 17 Q. How many patients were seen that day?
01:58:08 18 A. Eight.
01:58:12 19 Q. Who saw those patients?
01:58:14 20 A. I did.
01:58:16 21 Q. How do you know you saw the patients?
01:58:18 22 A. This is in my handwriting.
01:58:22 23 Q. How many people got carotids that day?
01:58:32 24 A. All eight.
01:58:32 25 Q. How many of the people that got carotids also got

01:58:34 1 echocardiograms?

01:58:36 2 A. Seven.

01:58:36 3 Q. Can you turn to January 11th of 2009. I'm sorry. I meant

01:58:42 4 February 11th of 2009. Do you see that date?

01:58:46 5 A. Let me look. Yes.

01:58:48 6 Q. Now, there were less patients seen in the ultrasound

01:58:56 7 tech's examination room that day; is that correct?

01:58:58 8 A. Yes.

01:58:58 9 Q. How many people were seen that day?

01:59:02 10 A. Three.

01:59:04 11 Q. Were there days in which you performed ultrasounds at the

01:59:08 12 Cottage Grove Community Medical Clinic in which you saw less

01:59:10 13 patients?

01:59:12 14 A. Yes.

01:59:12 15 Q. What days of the week were those generally when you saw

01:59:14 16 less patients?

01:59:14 17 A. On Wednesdays.

01:59:16 18 Q. Why would you see less patients on Wednesdays?

01:59:18 19 A. Dr. Joshi would be seeing Dr. Chhibber's patients on the

01:59:24 20 south side.

01:59:24 21 Q. Do you know if February 11th of 2009 was a Wednesday?

01:59:26 22 A. I don't know for certain. I don't have a calendar.

01:59:30 23 Q. Would a calendar help you?

01:59:34 24 A. Sure.

01:59:36 25 Q. I am going to --

01:59:38 1 MR. ORMAN: Stipulated, your Honor.

01:59:40 2 THE COURT: All right.

01:59:40 3 MR. HAMMERMAN: Stipulating that that's a Wednesday,

01:59:42 4 great.

01:59:42 5 THE COURT: Stipulated means that there's no dispute.

01:59:46 6 BY MR. HAMMERMAN:

01:59:54 7 Q. You could go to St. Patrick's day, March 17th, 2009. Do

02:00:10 8 you see the procedure log for that day, Mr. Qasim?

02:00:12 9 A. Yes.

02:00:12 10 Q. Is that your handwriting?

02:00:14 11 A. No.

02:00:14 12 Q. Do you recognize the handwriting?

02:00:16 13 A. Yes.

02:00:16 14 Q. How do you recognize the handwriting?

02:00:18 15 A. That's Mr. Baig's handwriting.

02:00:18 16 Q. How do you recognize his handwriting?

02:00:20 17 A. I have seen it many, many times.

02:00:22 18 Q. Were the procedure logs to be maintained only by you or

02:00:26 19 any ultrasound tech that was working at the Cottage Grove

02:00:30 20 Community Medical Clinic?

02:00:32 21 A. Yes.

02:00:32 22 Q. Who was supposed to maintain this, both you and Mr. Baig,

02:00:36 23 or just you?

02:00:38 24 A. The ultrasound tech working that day.

02:00:40 25 Q. Did Mr. Baig mark the tests that he did differently than

02:00:44 1 you?

02:00:44 2 MR. ORMAN: Objection. Foundation, your Honor.

02:00:46 3 THE COURT: Sustained.

02:00:46 4 BY MR. HAMMERMAN:

02:00:48 5 Q. Would you review the procedure logs that were done by

02:00:52 6 Mr. Baig?

02:00:52 7 A. Sometimes.

02:00:54 8 Q. Have you reviewed them in the past?

02:00:56 9 A. Yes.

02:00:56 10 Q. Do you recognize how Mr. Baig would check the procedures

02:01:00 11 he did?

02:01:00 12 A. Yes.

02:01:00 13 Q. Was there a protocol on how you were to mark on these

02:01:04 14 forms what tests were done?

02:01:06 15 A. Yes.

02:01:06 16 Q. How were you supposed to mark the tests done as an

02:01:10 17 ultrasound tech working at the Cottage Grove Community Medical

02:01:14 18 Clinic?

02:01:14 19 A. Mark the name, and in the same row, check off what exam

02:01:20 20 was performed.

02:01:20 21 Q. Can you tell by looking at the procedure log tell the

02:01:24 22 members of the jury how many different procedures were done on

02:01:26 23 March 17th of 2009?

02:01:28 24 A. 18 procedures total.

02:01:36 25 Q. How many carotids were done that day by the echo tech

02:01:42 1 working at the Cottage Grove Community Health Clinic?

02:01:44 2 A. Eight.

02:01:46 3 Q. How many of those eight people also got echocardiograms?

02:01:48 4 A. All eight.

02:01:52 5 Q. Were there other tests done that day?

02:01:54 6 A. Two abdomens and a thyroid.

02:01:58 7 Q. Are they marked by these various check marks that you see?

02:02:02 8 A. Yes.

02:02:02 9 Q. Do you recognize those as being Mr. Baig's check marks?

02:02:04 10 A. Yes.

02:02:06 11 Q. Mr. Qasim, March 20, it's a pretty thick exam -- thick

02:02:16 12 exhibit, I should say.

02:02:18 13 A. Yes.

02:02:18 14 Q. And every page, is that reflective of the exams that were

02:02:24 15 done on that day?

02:02:24 16 A. Yes.

02:02:24 17 Q. Do you recognize the handwriting throughout Government

02:02:26 18 Exhibit 620?

02:02:28 19 A. Yes.

02:02:28 20 Q. Are these either forms that you filled out or Mr. Baig

02:02:32 21 filled out?

02:02:32 22 A. Yes.

02:02:32 23 Q. Were these forms that were kept at the Cottage Grove

02:02:38 24 Community Health Clinic in the ordinary course of business?

02:02:38 25 A. Yes.

02:02:38 1 Q. Were they filled out at or about the time the patients
02:02:42 2 were seen?

02:02:44 3 A. Yes.

02:02:44 4 Q. If you look at those procedure logs, they have the names
02:02:52 5 of various tests, some of which we talked about in the last
02:02:56 6 10, 15 minutes, echocardiograms, carotid Dopplers. Do you
02:03:00 7 also see tests like PFTs and EKGs?

02:03:08 8 A. Yes.

02:03:08 9 Q. Are there any checks underneath those boxes?

02:03:12 10 A. No.

02:03:12 11 Q. Why not?

02:03:12 12 A. The medical assistants did those studies, and us
02:03:16 13 ultrasound techs just marked off what ultrasounds we did.

02:03:20 14 Q. Even though there are other types of tests listed in these
02:03:22 15 procedure logs, were these procedure logs solely to record
02:03:28 16 ultrasounds?

02:03:28 17 A. Yes.

02:03:28 18 Q. Is that what you recorded in here?

02:03:30 19 A. Yes.

02:03:30 20 Q. There are a number of days where you see the little X
02:03:34 21 marks that you have where there's -- for example, if you go to
02:03:40 22 July 22nd, 2009, do you see it?

02:04:00 23 A. July 22nd, 2009?

02:04:02 24 Q. Yes.

02:04:02 25 A. Yes.

02:04:04 1 Q. How many total patients were seen that day?

02:04:06 2 A. Three patients.

02:04:08 3 Q. How many total exams were done on those three patients?

02:04:10 4 A. Three tests.

02:04:12 5 Q. So three total tests were done that day?

02:04:14 6 A. Yes.

02:04:14 7 Q. Do you know whether July 22nd, 2009, what day of the week
02:04:18 8 that was?

02:04:20 9 A. Wednesday.

02:04:20 10 Q. Did Dr. Chhibber work on Wednesdays?

02:04:34 11 A. Not at the south side clinic.

02:04:38 12 MR. HAMMERMAN: May I have one moment, your Honor?

02:04:40 13 THE COURT: Yes.

02:04:54 14 MR. HAMMERMAN: Your Honor, based on the additional
02:04:56 15 testimony, the government would move to admit Government
02:05:00 16 Exhibit 620.

02:05:00 17 THE COURT: Denied. Reserved.

02:05:02 18 MR. HAMMERMAN: Then I have no further questions at
02:05:02 19 this time.

02:05:06 20 THE COURT: Cross-examination.

02:05:06 21 - - -

02:05:06 22 FAHAD QASIM, CROSS-EXAMINATION

02:05:06 23 BY MR. ORMAN:

02:05:26 24 Q. Mr. Qasim, do you have this stack of documents that you've
02:05:34 25 just testified to in front of you?

02:05:36 1 A. Yes.

02:05:36 2 Q. That's Government's Exhibit 620?

02:05:42 3 A. Yes.

02:05:42 4 Q. Look at the first page.

02:05:44 5 A. Okay.

02:05:46 6 Q. Now, you see a circle around one particular X that you

02:05:52 7 made?

02:05:52 8 A. Yes.

02:05:54 9 Q. Do you know what that means?

02:05:56 10 A. I don't remember.

02:05:58 11 Q. That means the test was free --

02:06:02 12 MR. HAMMERMAN: Objection, your Honor. Mr. Orman is

02:06:04 13 testifying.

02:06:04 14 MR. ORMAN: Can I finish the question, your Honor?

02:06:06 15 THE COURT: Yes, you may finish the question.

02:06:08 16 BY MR. ORMAN:

02:06:08 17 Q. You understand that that circle means that the test was

02:06:10 18 free; isn't that right?

02:06:12 19 A. I never heard that before.

02:06:16 20 Q. And if you will look at the next page in this log, you see

02:06:22 21 circles around the Xs that you made, true?

02:06:24 22 A. I do see those circles.

02:06:28 23 Q. And you don't know what those mean?

02:06:32 24 A. These weren't here originally, no.

02:06:34 25 Q. And there are circles on almost every page as you go

02:06:42 1 through these documents; is that true?

02:06:46 2 A. Yes.

02:06:48 3 Q. And you have no idea what those circles mean?

02:06:52 4 A. The entire time I was there, I never saw the circles nor
02:06:56 5 the checks or the Xs on the side, so these were done at some
02:07:02 6 point afterwards.

02:07:02 7 Q. Just bear with me for a second. I have a lot of paper in
02:07:08 8 front of me.

02:07:10 9 Now, on the days that you did these tests -- let me
02:07:22 10 strike that, if I may, your Honor.

02:07:24 11 Go to the first page of the group. How many patients
02:07:28 12 were in the clinic that day?

02:07:30 13 A. I don't know.

02:07:32 14 Q. It could be 20?

02:07:34 15 A. Sure.

02:07:34 16 Q. It could be 30?

02:07:36 17 A. Sure.

02:07:36 18 MR. HAMMERMAN: Objection. Calls for speculation.
02:07:38 19 The witness already said he doesn't know.

02:07:40 20 THE COURT: Overruled.

02:07:40 21 BY MR. ORMAN:

02:07:42 22 Q. And as a matter of fact, with regard to every single day
02:07:46 23 referenced in these exhibits, you have no idea how many
02:07:52 24 patients were present on each particular day?

02:07:56 25 A. Not on those specific days.

02:07:56 1 Q. And it's fair to say that patients came to the clinic who
02:08:04 2 did not get tests on any given day; is that true?
02:08:08 3 A. Yes.
02:08:08 4 Q. Didn't get carotid Dopplers, true?
02:08:12 5 A. True.
02:08:14 6 Q. Didn't get echocardiograms; is that true?
02:08:18 7 A. Sure.
02:08:20 8 Q. Could you go to the date March 27, '09, in Government's
02:08:36 9 Exhibit 620. Tell me when you're there.
02:08:38 10 A. March 27, 2009.
02:08:44 11 Q. Are you there?
02:08:48 12 A. I'm here, yeah.
02:08:48 13 Q. All right. You see the big circle on the document?
02:08:52 14 A. Yes.
02:08:54 15 Q. And do you see the notation, Not billed?
02:08:56 16 A. I see it.
02:08:58 17 Q. And if you turn to the next page, March 31st, '09, do you
02:09:04 18 see circles on that page as well?
02:09:06 19 A. Yes.
02:09:06 20 Q. And you see the notation, Patient not billed?
02:09:10 21 A. Yes.
02:09:12 22 Q. You don't know which of these patients were billed or not
02:09:20 23 billed, do you?
02:09:20 24 A. This log is only for exams performed, not for billing.
02:09:26 25 Q. Let me try again.

02:09:28 1 A. Sure.

02:09:28 2 Q. You have no idea which patients were billed or not billed,

02:09:32 3 true?

02:09:32 4 A. True.

02:09:32 5 Q. And of all those patients, you didn't examine any of them?

02:09:44 6 A. The ones in my handwriting.

02:09:46 7 Q. Medically examine them as a doctor?

02:09:48 8 A. No, I didn't.

02:09:50 9 Q. So you would have no idea of how they appeared?

02:09:56 10 A. Other than the symptoms and our conversation, no.

02:10:00 11 Q. Let's talk about your lawsuit. How much money do you

02:10:12 12 want?

02:10:12 13 A. I don't want any money, but if --

02:10:18 14 Q. You filed a lawsuit.

02:10:18 15 A. Can I finish?

02:10:20 16 Q. I'm sorry. Let me re-ask the question.

02:10:22 17 You filed a lawsuit for money, true?

02:10:24 18 A. True.

02:10:24 19 Q. How much do you want in that lawsuit?

02:10:28 20 A. I don't have a desire for any money. When I reported

02:10:36 21 Dr. Chhibber, I had no desire. I don't have any expectations.

02:10:42 22 I am not expecting anything.

02:10:42 23 Q. Is it your testimony that you will decline any money that

02:10:48 24 a jury awards you in that case?

02:10:50 25 A. No. I don't have any expectations of any money even

02:10:56 1 though I am filing a lawsuit.

02:10:58 2 MR. ORMAN: Move to strike, your Honor.

02:11:00 3 THE COURT: Sustained. The statement is stricken.

02:11:02 4 BY MR. ORMAN:

02:11:04 5 Q. Do you want \$500,000 in that lawsuit?

02:11:06 6 A. If that's what I'm entitled to, then sure.

02:11:10 7 Q. How much are you entitled to?

02:11:12 8 A. I don't know.

02:11:12 9 Q. Give me a number.

02:11:16 10 MR. HAMMERMAN: Objection. Argumentative.

02:11:16 11 THE COURT: Sustained.

02:11:20 12 BY MR. ORMAN:

02:11:22 13 Q. Where is -- let me strike that, your Honor.

02:11:24 14 Did you talk to the government this weekend?

02:11:28 15 A. Yes.

02:11:28 16 Q. Did you tell them that if Dr. Chhibber was found not
02:11:34 17 guilty, you would not recover in your lawsuit?

02:11:40 18 A. That's my understanding, yes.

02:11:42 19 Q. So it's important to you that Dr. Chhibber is found
02:11:48 20 guilty, true?

02:11:50 21 A. For the purposes of justice, not for capital gain, yes.

02:11:58 22 Q. For justice?

02:12:00 23 A. Yes.

02:12:00 24 Q. So are you waiving today any claim you have for money --

02:12:06 25 A. I am not.

02:12:06 1 Q. -- in the qui tam lawsuit because of justice?

02:12:10 2 A. I am not.

02:12:10 3 MR. HAMMERMAN: Objection. Asked and answered.

02:12:12 4 THE COURT: He's answered.

02:12:14 5 BY MR. ORMAN:

02:12:16 6 Q. Do you have an address for Wesleyan Hospital?

02:12:22 7 A. No.

02:12:22 8 Q. Ever heard of Wesleyan Hospital?

02:12:24 9 A. Yes.

02:12:24 10 Q. You worked there, didn't you?

02:12:26 11 A. No.

02:12:28 12 Q. You first decided that you were going to file a qui tam

02:12:40 13 lawsuit back in March of 2009, true?

02:12:44 14 A. I did not become aware of the whistleblower laws until
02:12:58 15 very close to his conviction, so I think it was actually the
02:13:06 16 end of 2010.

02:13:06 17 Q. Well, in March of the year 2009, and I want to do this
02:13:14 18 chronologically, you went on the Blue Cross website, and you
02:13:22 19 filled out a complaint against Dr. Chhibber?

02:13:24 20 A. Yes.

02:13:24 21 Q. I am going to hand you what I have marked as Defendant's
02:13:36 22 Exhibit 142. Now, do you recognize Exhibit 142?

02:13:52 23 A. Yes.

02:13:56 24 Q. This is what the technical people call a screen shot? Do
02:14:04 25 you know what that is?

02:14:04 1 A. A screen shot?

02:14:06 2 Q. Screen, s-c-r-e-e-n, shot.

02:14:10 3 A. I know what a screen shot is, yes.

02:14:14 4 Q. And this is a screen shot?

02:14:14 5 A. It looks like a report. If you want to call it a screen
02:14:18 6 shot, yes.

02:14:18 7 Q. Is this a true and accurate copy of the website from Blue
02:14:26 8 Cross/Blue Shield?

02:14:26 9 A. It looks like it.

02:14:28 10 MR. HAMMERMAN: Objection. Foundation.

02:14:30 11 BY MR. ORMAN:

02:14:30 12 Q. That you filled out?

02:14:32 13 THE COURT: Overruled.

02:14:32 14 THE WITNESS: It looks like it.

02:14:34 15 BY MR. ORMAN:

02:14:34 16 Q. And Exhibit -- Defendant's Exhibit 142 is a true and
02:14:40 17 correct copy of the complaint you first filed with Blue
02:14:46 18 Cross/Blue Shield in March of 2009; is that correct?

02:14:50 19 A. Yes.

02:14:50 20 Q. By April of 2009, nothing was happening with regard to
02:14:56 21 your complaint, true?

02:14:58 22 A. I don't remember the exact date. I was contacted by Blue
02:15:08 23 Cross, but it was shortly thereafter.

02:15:12 24 Q. As a matter of fact, nothing was happening with regard to
02:15:14 25 your complaint all the way up to July of 2009; is that

02:15:24 1 correct?

02:15:24 2 A. That sounds correct.

02:15:26 3 Q. So what you did was you went on the Blue Cross website and

02:15:32 4 filed a complaint under someone else's name, true?

02:15:36 5 A. Yes.

02:15:38 6 Q. You used -- you falsified Dena Hopkins' name on a

02:15:44 7 complaint to Blue Cross, correct?

02:15:46 8 A. Yes, I did. Yes.

02:15:46 9 Q. Let me hand you Exhibit 143, defendant's exhibit. Is

02:16:00 10 Defendant's Exhibit 143 a true and correct copy of your

02:16:06 11 falsified complaint to Blue Cross using Dena Hopkins' name?

02:16:10 12 A. Yes.

02:16:10 13 Q. And you filed that complaint because things weren't going

02:16:22 14 fast enough for you. You wanted an investigation, and you

02:16:26 15 wanted Blue Cross to do it, true?

02:16:28 16 A. I would have liked to see that, yes.

02:16:30 17 Q. That's why you lied to Blue Cross, yes?

02:16:34 18 A. I don't consider myself a liar, but I did want them to

02:16:42 19 contact Dena Hopkins.

02:16:44 20 Q. Well, on August 13th of 2009, an investigator from Blue

02:17:06 21 Cross came out to talk to you; is that correct?

02:17:08 22 A. I believe I only spoke on the phone with Blue Cross.

02:17:14 23 Q. Do you know the name Sandra Kendrick?

02:17:18 24 A. Yes.

02:17:18 25 Q. She was an investigator for Blue Cross?

02:17:24 1 A. Yes.

02:17:24 2 Q. And she talked to you about your complaint?

02:17:30 3 A. Yes.

02:17:30 4 Q. That was an interview?

02:17:34 5 A. It was a conversation.

02:17:38 6 Q. Phone?

02:17:38 7 A. Yes.

02:17:38 8 Q. And in that interview, you told Sandra Kendrick that you

02:18:06 9 work once a week for Wesleyan Hospital; is that correct?

02:18:10 10 A. No.

02:18:12 11 Q. She's wrong if she says that; is that your testimony?

02:18:16 12 A. I worked with --

02:18:20 13 Q. Is that your testimony, sir?

02:18:22 14 A. Yes. She misunderstood something.

02:18:26 15 Q. And you also told Sandra Kendrick that there was another

02:18:34 16 sonographer at the 79th Street clinic who is no longer

02:18:40 17 employed there? You told her that?

02:18:44 18 A. I don't remember that conversation.

02:18:44 19 Q. A sonographer is someone like you?

02:18:50 20 A. Right.

02:18:50 21 Q. That's your title. A sonographer reads echos. If Sandra

02:18:58 22 Kendrick -- if you told Sandra Kendrick that there is no other

02:19:04 23 sonographer employed at the 79th Street clinic, that would be

02:19:10 24 wrong?

02:19:12 25 A. That would be wrong. Mr. Baig --

02:19:16 1 Q. Mohammed Baig worked there too.

02:19:20 2 Let me show you Sandra Kendrick's --

02:19:24 3 MR. HAMMERMAN: Object, your Honor. I don't know if
02:19:24 4 that's a question. Once again, Mr. Orman is testifying.

02:19:28 5 THE COURT: Well, the objection is improper.

02:19:36 6 Overruled.

02:19:36 7 BY MR. ORMAN:

02:19:36 8 Q. Let me he show you Sandra Kendrick's report. Remember,
02:19:40 9 she is the person from Blue Cross who is going to do the
02:19:44 10 investigation. And that has been marked as Defendant's
02:19:48 11 Exhibit 35. Please take a look.

02:20:00 12 Could you look at the first full paragraph in the
02:20:04 13 second page of Sandra Kendrick's report with respect to her
02:20:08 14 interviewing you. Do you see where it says that there was
02:20:16 15 another sonographer who was also working at JRC Medical
02:20:24 16 Associates but is no longer employed by the center? Do you
02:20:26 17 see that?

02:20:28 18 A. Yes.

02:20:28 19 MR. HAMMERMAN: Objection. Hearsay.

02:20:30 20 THE COURT: Overruled.

02:20:30 21 BY MR. ORMAN:

02:20:30 22 Q. Now do you remember that you told that to Sandra Kendrick?

02:20:34 23 A. I know there was another ultrasound tech working there
02:20:38 24 before me who was no longer working there when I began, so I
02:20:42 25 may have been talking about that.

02:20:44 1 Q. Sir, do you remember telling that to Sandra Kendrick?

02:20:46 2 A. I don't remember telling her this. I don't remember our
02:20:50 3 conversation in its entirety.

02:20:52 4 Q. If you go to the next paragraph, please take a look at it.

02:21:02 5 A. Okay.

02:21:02 6 Q. Do you see a reference to Wesleyan Hospital?

02:21:04 7 A. This is in reference to Westlake Hospital. She wrote this
02:21:10 8 wrong.

02:21:10 9 Q. Oh, she wrote it wrong. I see.

02:21:14 10 Well, did she --

02:21:14 11 MR. HAMMERMAN: Objection, your Honor.

02:21:16 12 THE COURT: All right. No comments.

02:21:22 13 BY MR. ORMAN:

02:21:22 14 Q. Did you tell Sandra Kendrick that Medicare had done an
02:21:26 15 audit on Dr. Chhibber's medical center?

02:21:30 16 A. I may have. I don't remember the conversation.

02:21:36 17 Q. Please go to the last paragraph of Defendant's Exhibit 35.

02:21:44 18 A. The same page, last paragraph?

02:21:46 19 Q. Yes, page 2.

02:22:08 20 A. Okay.

02:22:08 21 Q. You told Sandra Kendrick that Medicare had already done an
02:22:16 22 audit on Dr. Chhibber's center. You said that to her, didn't
02:22:22 23 you?

02:22:22 24 A. Yes.

02:22:22 25 MR. HAMMERMAN: Objection, your Honor.

02:22:24 1 THE COURT: Overruled.

02:22:24 2 BY MR. ORMAN:

02:22:26 3 Q. You lied when you said that; isn't that correct?

02:22:30 4 A. What --

02:22:30 5 Q. Did you lie?

02:22:32 6 A. No. Whatever I said was something I heard. I didn't say

02:22:36 7 that I was there for the audit myself.

02:22:38 8 Q. Oh, somebody told you that there was an audit?

02:22:42 9 A. Yes.

02:22:42 10 Q. Who?

02:22:44 11 A. I believe it was Mr. Baig.

02:22:46 12 Q. Who?

02:22:48 13 A. Mr. Baig.

02:22:48 14 Q. Do you know?

02:22:50 15 A. I believe it's Mr. Baig. That's who I spoke to most.

02:22:54 16 Q. You now know that there was no audit, no Medicare audit,

02:23:00 17 true?

02:23:02 18 A. If you're telling me that there was no audit, then okay.

02:23:04 19 Q. And --

02:23:10 20 A. I don't know. I wasn't there.

02:23:12 21 Q. -- you also told Sandra Kendrick from Blue Cross that

02:23:18 22 Dr. Chhibber took two or three days and doctored the patients'

02:23:24 23 files in preparation of this audit? You told that to the

02:23:26 24 investigator from Blue Cross?

02:23:30 25 A. Yes.

02:23:30 1 Q. And that's not true either, is it, sir?

02:23:34 2 A. I remember I had --

02:23:36 3 Q. Is it true? That's all I want to know.

02:23:40 4 A. Well, if you are saying there is no audit, then it must
02:23:44 5 not be true. But what I remember is that one day the clinic
02:23:46 6 was closed, a few weeks later, Mr. Baig, and maybe the nurses,
02:23:50 7 said they were going through all the charts -- yeah, Tyanna,
02:23:54 8 one of the nurses, they said they closed the clinic down and
02:23:58 9 went through the charts and made sure everything was okay for
02:24:00 10 an audit. Now, whether that audit came or not, I don't know,
02:24:04 11 but I know there was some prep with the charts.

02:24:06 12 Q. So you don't know personally whether anything you told
02:24:10 13 Sandra Kendrick was true; is that correct?

02:24:14 14 A. Not anything. There's certain things I saw myself and
02:24:20 15 other things that I heard. I conveyed both of those to her.

02:24:24 16 Q. Let's go to the last page of Defendant's Exhibit 35.
02:24:38 17 Sandra Kendrick came back and she talked to you on August 21st
02:24:44 18 of 2009, true?

02:24:46 19 A. If it's on record, then she must have, yeah. I don't
02:24:52 20 remember the exact dates we spoke.

02:24:54 21 Q. Was that contact by phone or face to face?

02:24:56 22 A. It must have been my phone.

02:24:58 23 Q. Why do you say that?

02:24:58 24 A. I don't remember meeting her.

02:25:00 25 Q. Did you tell Sandra Kendrick that Dr. Chhibber is aware

02:25:12 1 Blue Cross/Blue Shield will be coming to do an audit soon?

02:25:18 2 Did you tell that to Sandra Kendrick?

02:25:22 3 A. I think I might have mentioned it, yeah.

02:25:24 4 Q. There was no Blue Cross audit, was there, sir?

02:25:30 5 A. I don't know.

02:25:30 6 Q. Did you ever see Blue Cross come in and audit the 79th

02:25:34 7 Street clinic when you were there?

02:25:34 8 A. No.

02:25:34 9 Q. Did you ever see Medicare come in and audit the 79th

02:25:42 10 Street clinic when you were there?

02:25:42 11 A. No.

02:25:44 12 Q. You also sold Sandra Kendrick that Dr. Chhibber is

02:25:48 13 attempting to clean up his charts somehow. You told her that,

02:25:56 14 didn't you?

02:25:56 15 A. I believe I did.

02:25:56 16 Q. In preparation for the audit?

02:26:00 17 A. Yes.

02:26:00 18 Q. In preparation for the audit that never happened?

02:26:04 19 A. If you say there was no audit, there was no audit.

02:26:12 20 Q. Now, things got quiet after July of 2009, and you became

02:26:20 21 impatient because the government and Blue Cross were not out

02:26:28 22 there doing the work that you wanted them to do so you could

02:26:32 23 file your lawsuit, true?

02:26:34 24 A. I was becoming impatient but not because of the lawsuit.

02:26:44 25 I was becoming impatient because I really didn't like some of

02:26:48 1 the ways Dr. Chhibber was treating his patients.

02:26:50 2 Q. So what you did was you went to the Illinois Inspector

02:26:54 3 General online, true?

02:26:54 4 A. No, I don't think --

02:27:00 5 Q. What you did was you filed another false complaint in the

02:27:04 6 name of Dena Hopkins with the Illinois Inspector General,

02:27:08 7 didn't you do that?

02:27:10 8 A. I don't remember going on any Inspector General --

02:27:14 9 Q. Well, here, let me see if I can refresh your recollection.

02:27:34 10 I want to see if this refreshes your recollection.

02:27:40 11 Defendant's Exhibit 44 is a complaint or is an email of a

02:27:46 12 complaint with the Illinois Inspector General?

02:27:50 13 A. I don't recall this.

02:28:06 14 Q. Well, do you see the name Dena Hopkins in the middle of

02:28:14 15 the document?

02:28:14 16 A. Yes.

02:28:14 17 Q. And Dena is spelled D-e-n-a-a. Do you see that?

02:28:20 18 A. I see that.

02:28:20 19 Q. She must have misspelled her own name. Does it appear

02:28:24 20 that way to you?

02:28:24 21 A. Yes.

02:28:24 22 Q. You filed this, didn't you?

02:28:26 23 A. No, I don't recall this.

02:28:28 24 Q. You didn't or you don't recall?

02:28:28 25 A. If I don't recall, I can't say I did it. I don't remember

02:28:32 1 this.

02:28:32 2 Q. Let me hand you Defendant's Exhibit 45. Defendant's

02:28:54 3 Exhibit 45 is a similar complaint filed with the Illinois

02:28:58 4 Inspector General. Do you see that?

02:29:02 5 A. Okay.

02:29:04 6 Q. And it says, Fraud suspected?

02:29:06 7 A. Okay.

02:29:06 8 Q. Filed on the same day that Dena Hopkins' so-called

02:29:18 9 complaint was filed that's Defendant's Exhibit 44?

02:29:20 10 MR. HAMMERMAN: Object to the form of the question,
02:29:22 11 your Honor.

02:29:22 12 THE COURT: Yes. Would you restate it, please.

02:29:24 13 BY MR. ORMAN:

02:29:24 14 Q. What date is Exhibit 45 filed on, sir?

02:29:28 15 A. December 14th, 2009.

02:29:30 16 Q. What time?

02:29:30 17 A. 1:45 p.m.

02:29:34 18 Q. And Exhibit 44 is filed on the same day?

02:29:38 19 A. December 14th, 2009.

02:29:40 20 Q. At 1:38 p.m.?

02:29:44 21 A. Yes.

02:29:44 22 Q. Two reports seven minutes apart. You did both of them,
02:29:50 23 didn't you?

02:29:50 24 MR. HAMMERMAN: I object to the form of the question.

02:29:52 25 THE COURT: Overruled.

02:29:52 1 BY MR. ORMAN:

02:29:54 2 Q. You did both of them?

02:29:54 3 A. I don't remember doing these. I do remember doing one
02:29:58 4 with Blue Cross/Blue Shield. I don't remember these. That
02:30:04 5 was a long time ago.

02:30:04 6 Q. Now, you indicated that patients would get the same test
02:30:32 7 time after time after time, yes?

02:30:38 8 A. Yes.

02:30:38 9 Q. Time after time after time meaning, what, every six
02:30:46 10 months, every year, every two years? What was it, sir?

02:30:50 11 A. In general, I'd say maybe every three to six months.

02:30:56 12 Q. What's wrong with that?

02:31:00 13 MR. HAMMERMAN: Objection. Foundation.

02:31:02 14 MR. ORMAN: I will withdraw the question, your Honor.

02:31:04 15 BY MR. ORMAN:

02:31:04 16 Q. Please tell me the name of five patients that got the same
02:31:08 17 test every three months.

02:31:14 18 A. I can name Melvin Rogers got many tests repeated. I can
02:31:20 19 say Jones had many tests repeated.

02:31:24 20 If you give me a minute to look at these logs, I
02:31:28 21 could get you more names.

02:31:30 22 Q. I'd really like to get you out of here, if I could.

02:31:34 23 You can't tell me -- or do you know if the condition
02:31:38 24 of Melvin Rogers required tests every three months?

02:31:46 25 You aren't a doctor, true?

02:31:48 1 A. No, I'm not.

02:31:50 2 MR. HAMMERMAN: Objection, your Honor.

02:31:52 3 MR. ORMAN: I will withdraw the question and start
02:31:54 4 again.

02:31:54 5 BY MR. ORMAN:

02:31:54 6 Q. You are not a doctor?

02:31:54 7 A. No.

02:31:56 8 Q. You can't determine whether the tests to Melvin Rogers
02:32:04 9 were necessary or not, can you?

02:32:06 10 A. No, I cannot.

02:32:06 11 Q. Now I want to talk about the forms that you -- that were
02:32:20 12 addressed in your direct. You talked about an initial report,
02:32:24 13 you called it a tech report?

02:32:26 14 A. Yes.

02:32:26 15 Q. And then you talked about a final report, true?

02:32:28 16 A. Yes.

02:32:30 17 Q. Can you please tell me what requires a final report to be
02:32:34 18 done? In other words, are you aware of any procedural law or
02:32:40 19 any other practice that requires a final report to be done?

02:32:42 20 A. The way I understand it is one physician orders a test,
02:32:52 21 the tech does the test, writes a report along with the study
02:32:56 22 itself, and that goes to a cardiologist, who is specialized in
02:33:04 23 hearts, or goes to a radiologist, who specializes in most of
02:33:08 24 the other ultrasounds, like abdomens, carotid, lower
02:33:14 25 extremity, thyroids, and they are specialists who have been

02:33:16 1 trained to look over these reports and interpret them and then
02:33:22 2 send a final report back to the ordering physician. That's my
02:33:26 3 understanding.

02:33:26 4 Q. That's your understanding. Let me ask the question again.

02:33:30 5 What requires a final report to be done at all?

02:33:34 6 A. You have to look at the original study.

02:33:38 7 Q. What requires it, sir? What law, what principle, what
02:33:46 8 authority requires it?

02:33:48 9 MR. HAMMERMAN: Objection.

02:33:50 10 THE COURT: Overruled.

02:33:50 11 THE WITNESS: Medicare.

02:33:50 12 BY MR. ORMAN:

02:33:54 13 Q. Are you guessing, or do you know what you're talking
02:33:54 14 about?

02:33:56 15 A. I believe --

02:33:56 16 Q. Are you guessing, or do you know what you're talking
02:34:02 17 about? If you're guessing, just tell me.

02:34:04 18 A. I haven't read the Medicare handbook --

02:34:06 19 Q. Then you don't know, do you?

02:34:08 20 A. -- but I believe that studies --

02:34:08 21 MR. ORMAN: Move to strike.

02:34:10 22 THE WITNESS: -- have to go to cardiologists and --

02:34:10 23 THE COURT: Just a moment. There is a motion
02:34:12 24 pending.

02:34:14 25 The motion to strike is granted. Put another

02:34:16 1 question to the witness.

02:34:18 2 BY MR. ORMAN:

02:34:18 3 Q. Now, most of the places that you're familiar with send
02:34:24 4 tests out to be read, true?

02:34:26 5 A. Yes.

02:34:28 6 Q. For example, if you do the testing, yes? Yes?

02:34:34 7 A. Yes.

02:34:34 8 Q. Sometimes you go to patients' homes and do the tests?

02:34:38 9 A. Yes.

02:34:38 10 Q. And other doctors do testing in their office or no?

02:34:46 11 A. Yes.

02:34:46 12 Q. Many doctors don't do testing in their office, do they?

02:34:52 13 A. I imagine not.

02:34:54 14 Q. Those doctors send whatever the people out to be tested in
02:35:00 15 a facility that can do the tests?

02:35:02 16 A. Yes.

02:35:02 17 Q. And those are the facilities that send reports back to the
02:35:06 18 doctor?

02:35:08 19 A. Yes.

02:35:08 20 Q. Dr. Chhibber's practice isn't like that, is it?

02:35:12 21 A. No.

02:35:14 22 Q. Dr. Chhibber does tests in-house?

02:35:20 23 A. Yes.

02:35:20 24 Q. And he generates what you call a tech report?

02:35:24 25 A. A final report.

02:35:26 1 Q. A tech report, yes? That's what you do?

02:35:30 2 A. That's what I do, yeah.

02:35:32 3 Q. What requires anything else -- anything further to be done

02:35:38 4 for those facilities that do tests in-house?

02:35:44 5 A. I'm not positive of what the requirements are.

02:35:48 6 Q. Now, you mentioned a Mohammed Baig, true?

02:36:02 7 A. Yes.

02:36:02 8 Q. And you are familiar with a company called Spectrum; is

02:36:02 9 that right?

02:36:10 10 A. Yes.

02:36:10 11 Q. That's a diagnostic company?

02:36:14 12 A. Yes.

02:36:14 13 Q. You work for them?

02:36:16 14 A. Yes.

02:36:18 15 Q. There came a point in time when Mohammed Baig told you

02:36:28 16 that Spectrum was defrauding Medicare and Blue Cross; is that

02:36:32 17 correct?

02:36:32 18 A. There came a time -- one time where Mr. Baig told me

02:36:40 19 working with Spectrum could be risky because of kickbacks.

02:36:48 20 Q. When was that?

02:36:50 21 A. I would say late 2009, when I first started with them.

02:36:58 22 Q. And when Mr. Baig told you that Spectrum may have been

02:37:08 23 defrauding Medicare, did you keep your eyes open to see if

02:37:12 24 that was true?

02:37:14 25 A. What he told me was --

02:37:18 1 Q. Did you keep your eyes open to see if that was true?

02:37:22 2 A. Yes.

02:37:22 3 Q. And you noticed or observed that doctors were ordering a
02:37:36 4 large number of tests for Spectrum patients; is that correct?

02:37:42 5 A. Yes.

02:37:42 6 Q. Just as many as Dr. Chhibber was, yes?

02:37:48 7 A. I won't say that.

02:37:54 8 Q. Pretty close?

02:37:54 9 A. No, I wouldn't say that, no.

02:37:56 10 Q. An extraordinary number of tests, yes?

02:37:58 11 A. Well, with them --

02:38:00 12 MR. HAMMERMAN: Objection, your Honor. Relevancy.

02:38:02 13 THE COURT: Overruled.

02:38:04 14 THE WITNESS: With them, maybe I would see three,
02:38:06 15 four patients a day. With Dr. Chhibber, I'd see a lot more.

02:38:10 16 BY MR. ORMAN:

02:38:12 17 Q. Well, this weekend you spent some time with the
02:38:16 18 government's attorneys, didn't you?

02:38:18 19 A. Yes.

02:38:20 20 Q. They showed you a letter, true?

02:38:24 21 A. Do you want to refresh me?

02:38:28 22 Q. Yes. A letter written by Mohammed Baig?

02:38:34 23 A. A letter?

02:38:34 24 Q. Let me hand you a document which counsel just gave me.

02:38:40 25 MR. HAMMERMAN: Objection, your Honor.

02:38:40 1 MR. ORMAN: Can I hand it?

02:38:42 2 MR. HAMMERMAN: Objection to the form of this

02:38:44 3 question.

02:38:44 4 MR. ORMAN: No question.

02:38:46 5 THE COURT: Restate it. Restate it as a question

02:38:52 6 rather than making a comment about it.

02:38:54 7 BY MR. ORMAN:

02:38:54 8 Q. I would like to hand you a document that the government

02:38:56 9 just handed me.

02:39:10 10 Did you see that document this weekend?

02:39:12 11 A. No.

02:39:12 12 Q. Did you discuss its contents with the government?

02:39:18 13 A. No.

02:39:20 14 Q. Please take a look at it.

02:39:20 15 A. I can read the first line and tell you no.

02:39:22 16 Q. Did you discuss this weekend whether Spectrum was

02:39:28 17 committing Medicare fraud or Blue Cross fraud with the

02:39:32 18 government?

02:39:32 19 A. I know I discussed it with them and my concerns with what

02:39:48 20 Mr. Baig told me. I don't know if it was this weekend. I

02:39:50 21 have never seen this document.

02:39:52 22 Q. Please take a look towards the bottom.

02:39:54 23 A. Okay.

02:39:54 24 Q. Do you see where Mr. Baig is accusing you of doing

02:40:02 25 excessive testing?

02:40:02 1 MR. HAMMERMAN: Object to the form of the question.

02:40:04 2 Object to the relevancy too.

02:40:06 3 THE COURT: Sustained.

02:40:06 4 BY MR. ORMAN:

02:40:12 5 Q. Who is the doctor that you work for?

02:40:14 6 A. I work with a diagnostic testing facility. I don't work
02:40:18 7 for a doctor.

02:40:18 8 Q. I see.

02:40:22 9 Now, we have gone through all of the charts that were
02:40:30 10 in the Government's Exhibit 620. Did you see any chart that
02:40:42 11 indicated that you did tests on 25 people in a day? You can
02:40:50 12 take a look.

02:40:52 13 A. Let me look.

02:41:12 14 Not 25 patients, but definitely 25 exams.

02:41:16 15 Q. I am talking about 25 people who got tests in any one day.
02:41:24 16 Did you see that?

02:41:24 17 A. I don't think so.

02:41:26 18 Q. Now, do you know who Kathryn Anton is?

02:41:36 19 A. Yes.

02:41:36 20 Q. Who is she?

02:41:40 21 A. She's an FBI agent.

02:41:42 22 Q. She was your connection to the FBI?

02:41:48 23 A. The first one, yes.

02:41:50 24 Q. And you were acting as an undercover agent for the FBI?

02:41:56 25 A. Not an agent, but I was cooperating with them.

02:41:58 1 Q. You were an informant?

02:42:00 2 A. Yes.

02:42:00 3 Q. And you wanted to become an informant so you could kind of
02:42:06 4 push the FBI into doing the kind of work that would help your
02:42:12 5 lawsuit?

02:42:16 6 A. No.

02:42:16 7 Q. You did it for justice?

02:42:16 8 A. Yes.

02:42:18 9 Q. Yeah.

02:42:20 10 A. Like I said, I saw him mistreating a patient, and I think
02:42:24 11 right after that, I reported him, and it wasn't because of
02:42:28 12 money. And I didn't know about qui tam until much later.

02:42:32 13 MR. ORMAN: Your Honor?

02:42:32 14 THE COURT: There is no question pending before you.

02:42:36 15 BY MR. ORMAN:

02:42:48 16 Q. I'm going to hand you what I have marked as Defendant's
02:42:50 17 Exhibit 76. Could you please look through Defendant's
02:42:58 18 Exhibit 76.

02:43:20 19 Can you tell me what that exhibit is?

02:43:20 20 A. One moment.

02:43:40 21 These are emails between Kathy and I.

02:43:46 22 Q. Could you look at the second page of this exhibit, which
02:44:06 23 is really a group exhibit, and if you look at the lower
02:44:12 24 right-hand corner, there is a notation JC2-137.

02:44:18 25 A. Um-hmm.

02:44:18 1 Q. You're there?

02:44:20 2 A. I see it.

02:44:20 3 Q. There is an email and a response. And, now, this is
02:44:34 4 September 2nd of 2009. Do you see that?

02:44:36 5 A. Yes.

02:44:42 6 Q. There is an email from you to Kathy Anton, and there is a
02:44:48 7 response from her, true?

02:44:48 8 A. True.

02:44:50 9 Q. And what you did in your email is that you faxed over to
02:44:58 10 her several procedures from Dr. Chhibber's office, true?

02:45:06 11 A. True.

02:45:06 12 Q. You stole them?

02:45:08 13 A. I wouldn't consider that stealing, no.

02:45:10 14 Q. Would you consider that an invasion of anybody's property
02:45:14 15 -- privacy?

02:45:16 16 A. No.

02:45:16 17 Q. Did the procedure logs have names of patients?

02:45:18 18 A. Yes.

02:45:20 19 Q. Did those procedure logs which you faxed to Kathy Anton,
02:45:26 20 did they have procedures that were performed on specified
02:45:30 21 patients?

02:45:30 22 A. Yes.

02:45:30 23 Q. You don't consider that a violation of anyone's privacy?

02:45:36 24 A. I considered myself --

02:45:40 25 Q. Can you answer the question yes or no?

02:45:42 1 A. Not in a criminal investigation, no.

02:45:44 2 Q. You were a criminal investigator?

02:45:46 3 A. No, I was helping investigate a criminal.

02:45:50 4 Q. I see.

02:45:52 5 And what was Kathy Anton's response to your sending
02:45:54 6 these procedure logs to her?

02:45:58 7 MR. HAMMERMAN: Objection. Relevance.

02:45:58 8 THE COURT: Overruled.

02:46:00 9 THE WITNESS: Got it, you rock, thanks.

02:46:06 10 BY MR. ORMAN:

02:46:06 11 Q. I didn't hear you. Could you say it louder?

02:46:08 12 A. Got it, you rock, thanks.

02:46:10 13 Q. You rock?

02:46:12 14 How did you get the procedure logs?

02:46:16 15 A. I had them in my ultrasound room.

02:46:18 16 Q. So you -- you had them where?

02:46:20 17 A. The procedure logs were filled out and kept in the
02:46:28 18 ultrasound room.

02:46:28 19 Q. So what you did was you walked into the ultrasound room,
02:46:32 20 you grabbed a handful of these reports, yes?

02:46:36 21 A. Yes.

02:46:36 22 Q. About how thick, an inch, 2 inches?

02:46:38 23 A. It was fairly thick; inch and a half, maybe.

02:46:42 24 Q. And you faxed them to Kathy Anton?

02:46:44 25 A. Yes.

02:46:44 1 Q. Whose fax machine did you use?

02:46:48 2 A. Dr. Chhibber's.

02:46:48 3 Q. Could you go to the email dated December 20, 2009. That
02:47:18 4 would be JC2-143 on the bottom right. Tell me when you're
02:47:26 5 there.

02:47:26 6 A. I'm there.

02:47:26 7 Q. Are you there?

02:47:52 8 A. I'm there.

02:47:52 9 Q. This is an email that you sent to Kathryn Anton?

02:47:56 10 A. Yes.

02:47:58 11 Q. And in this email, you're telling her how to conduct her
02:48:04 12 undercover investigation; isn't that right?

02:48:08 13 A. Yes.

02:48:08 14 Q. You told her, No blood draws, correct?

02:48:18 15 A. The --

02:48:18 16 Q. Did you tell her that?

02:48:20 17 A. Yes.

02:48:20 18 Q. And you told her that for a reason, yes?

02:48:24 19 A. Yes, the agent --

02:48:26 20 Q. And the reason was that if blood draws were done, it might
02:48:34 21 show that some of the diagnoses performed by the doctor on the
02:48:42 22 undercover agents were correct? Isn't that why you told
02:48:46 23 Kathryn Anton no needles?

02:48:48 24 MR. HAMMERMAN: Objection. Foundation, calls for
02:48:50 25 speculation.

02:48:52 1 THE COURT: Overruled.

02:48:52 2 THE WITNESS: Findings in blood draws are not the
02:48:58 3 diagnoses we would write -- or Dr. Chhibber would write on the
02:49:00 4 chart, so they are not related.

02:49:04 5 BY MR. ORMAN:

02:49:04 6 Q. We have a jury sitting here.

02:49:06 7 THE COURT: All right. No comments to the witness.
02:49:08 8 Just questions.

02:49:10 9 BY MR. ORMAN:

02:49:10 10 Q. You'd agree with me that the clearest, easiest thing for
02:49:14 11 the jury to follow is a yes-or-no answer?

02:49:18 12 A. Yes.

02:49:18 13 Q. Now, you also told Kathryn Anton in your December 20,
02:49:28 14 2009, email that she should send the agents in with an itchy
02:49:34 15 arm?

02:49:36 16 A. Yes.

02:49:36 17 Q. To set the doctor up, correct?

02:49:38 18 A. Yes.

02:49:38 19 Q. Now, you are aware that doctors do not rely entirely on
02:49:48 20 what patients tell them. You know that?

02:49:50 21 A. Sure.

02:49:50 22 Q. Doctors observe the patient, doctors test the patient, and
02:50:02 23 many times, doctors observe things that patients do not tell
02:50:08 24 them, true?

02:50:08 25 A. Sure.

02:50:10 1 Q. That's why doctors are doctors, because they are trained

02:50:16 2 to do that, yes?

02:50:16 3 A. Yes.

02:50:16 4 Q. You are not trained to do that, are you?

02:50:18 5 A. No.

02:50:18 6 Q. Could you go to page JC2-144 in Defendant's Group

02:50:42 7 Exhibit 76.

02:50:44 8 A. JC2-144?

02:50:46 9 Q. Yes.

02:50:46 10 A. Okay.

02:50:48 11 Q. Two e-mails on this page?

02:50:50 12 A. Yes.

02:50:50 13 Q. The bottom email is dated January 21st, 2010?

02:50:58 14 A. Yes.

02:50:58 15 Q. This is from you to Kathryn Anton, yes?

02:51:04 16 A. Yes.

02:51:04 17 Q. And you tell her that you were messing around on the

02:51:10 18 computer at Hanover Park?

02:51:12 19 A. Yes.

02:51:12 20 Q. And you found a list of witnesses?

02:51:16 21 A. I found a patient list.

02:51:16 22 Q. A patient list about how thick?

02:51:20 23 A. It was in a cell file, so I'd say more than 10 pages.

02:51:30 24 Q. What you did was send Kathryn Anton the name, the address,

02:51:36 25 the Social Security number, and other identifying information

02:51:40 1 for every single patient that Dr. Chhibber had; isn't that
02:51:44 2 what you did?

02:51:46 3 A. Yes.

02:51:46 4 Q. And you did that so that you could recover money in the
02:51:52 5 lawsuit you were planning to file?

02:51:54 6 A. No.

02:51:54 7 Q. Could you go to page 145, JC2-145, the very next page.

02:52:16 8 Now, this is an email that you sent to Kathryn Anton on
02:52:22 9 January 21, 2010, correct?

02:52:26 10 A. Correct.

02:52:26 11 Q. And in the first sentence, you say, I was just wondering
02:52:34 12 out of sheer curiosity if you had any success going to the
02:52:40 13 South Side clinic yet.

02:52:44 14 That's what you said?

02:52:44 15 A. Yes.

02:52:44 16 Q. And you told her it was out of sheer curiosity. And money
02:52:50 17 played into that too, didn't it?

02:52:52 18 A. No. At this time, I was not aware of any whistleblower
02:52:58 19 laws.

02:52:58 20 MR. ORMAN: Move to strike.

02:53:02 21 THE COURT: Everything after no is stricken.

02:53:04 22 MR. ORMAN: All right.

02:53:04 23 BY MR. ORMAN:

02:53:06 24 Q. Then you go on to implicate Dr. Joshi, who works for
02:53:12 25 Dr. Chhibber, yes?

02:53:12 1 A. I did mention him at one time.

02:53:16 2 Q. You say -- told Kathy Anton that you hate to say it, but

02:53:22 3 Joshi has been ordering a lot here at the Hanover Park clinic

02:53:30 4 as well lately, yes?

02:53:32 5 A. Yes.

02:53:32 6 Q. You were looking to file a lawsuit against Dr. Joshi too

02:53:36 7 by now?

02:53:36 8 A. No.

02:53:40 9 Q. You were doing it for justice?

02:53:42 10 A. Yes.

02:53:42 11 Q. I'm going to hand you what I have marked as Defendant's

02:54:06 12 Exhibit 144. That is an email?

02:54:20 13 A. Yes.

02:54:20 14 Q. An email from you to Kathryn Anton?

02:54:26 15 A. Yes.

02:54:26 16 Q. What date?

02:54:26 17 A. May 27th, 2011.

02:54:30 18 Q. You say to Kathryn Anton that she's no longer working on

02:54:40 19 the case?

02:54:42 20 A. Yes.

02:54:46 21 Q. How did you know that?

02:54:48 22 A. Because she connected me to a couple of other agents who

02:54:54 23 from then I spoke to them instead of Kathy.

02:54:56 24 Q. How did she connect you to a couple other agents? Was it

02:55:04 25 by phone?

02:55:04 1 A. No, we met in person.

02:55:06 2 Q. Where?

02:55:08 3 A. We met at various locations, usually in coffee shops,
02:55:12 4 sometimes a McDonald's down the street from the Hanover Park
02:55:16 5 clinic.

02:55:18 6 Q. I am only interested in the time that you met with Kathy
02:55:20 7 Anton and she told you that she was no longer on the case.
02:55:26 8 Where did you meet?

02:55:28 9 A. I believe that was outside a coffee shop in Naperville.

02:55:36 10 Q. What coffee shop?

02:55:38 11 A. It was a Starbucks.

02:55:38 12 Q. How long was the meeting?

02:55:40 13 A. Maybe five or 10 minutes.

02:55:42 14 Q. Was anyone else present?

02:55:46 15 A. Another agent.

02:55:46 16 Q. Who was the other agent?

02:55:48 17 A. I don't recall his name at the moment.

02:55:56 18 Q. Can you tell me what Kathy Anton said to you, what you
02:56:04 19 said to her, and what the other agents said, if anything.
02:56:08 20 Just give me a second so I can write this down.

02:56:12 21 Go ahead.

02:56:14 22 MR. HAMMERMAN: Objection. Hearsay.

02:56:14 23 THE COURT: Overruled.

02:56:18 24 THE WITNESS: Can you repeat the question?

02:56:24 25 MR. ORMAN: Your Honor, can the court reporter?

02:56:30 1 THE COURT: Yes.

02:56:30 2 MR. ORMAN: I will restate the question.

02:56:32 3 BY MR. ORMAN:

02:56:32 4 Q. Let's go back to Naperville. Let's go back to a coffee
02:56:36 5 shop. Starbucks?

02:56:38 6 A. Yes.

02:56:38 7 Q. Sound right?

02:56:38 8 A. Yes.

02:56:38 9 Q. When was this meeting?

02:56:46 10 A. It was sometime -- I'm guessing late 2009, early 2010.

02:56:54 11 Q. Can you do better than to guess?

02:56:58 12 A. No.

02:56:58 13 Q. Well, let's see if we can figure it out. Was it before
02:57:04 14 you sent this email?

02:57:06 15 A. This email, yes.

02:57:08 16 Q. Was it before you faxed all those documents to Kathryn
02:57:16 17 Anton?

02:57:16 18 A. That was after.

02:57:22 19 Q. So that would put that meeting sometime between January
02:57:30 20 of 2010 to roughly May of 2010?

02:57:34 21 A. I faxed those September of 2009, and it was shortly after
02:57:56 22 that.

02:57:56 23 Q. So it would have been in 2009, maybe December? Does that
02:58:06 24 sound correct?

02:58:06 25 A. After September 2009, early 2010.

02:58:08 1 Q. All right. That would have been late December early
02:58:16 2 January 2009 to 2010, correct?

02:58:18 3 A. Towards the -- after September 2009, so October, November,
02:58:26 4 December 2009, perhaps January, February, March 2010.

02:58:28 5 Q. Well, you must have been stunned when she told you that,
02:58:32 6 right? The person you had been dealing with, the person you
02:58:36 7 had been sending documents to, the person who you were relying
02:58:40 8 on to help you do your private lawsuit is now leaving the
02:58:46 9 case?

02:58:46 10 MR. HAMMERMAN: Objection to the form of the
02:58:48 11 question.

02:58:48 12 THE COURT: Sustained.

02:58:48 13 BY MR. ORMAN:

02:58:48 14 Q. What did Kathy Anton tell you as to why she was leaving
02:58:54 15 the case?

02:58:54 16 A. I remember she told me one time her specialty was
02:59:02 17 something related to hostage negotiation, so I think she had
02:59:08 18 other projects she was assigned to.

02:59:10 19 Q. I appreciate what you think. I just want to know what she
02:59:22 20 told you. And if you don't remember, tell me.

02:59:24 21 A. She told me -- I mean, if you want me to recall her exact
02:59:32 22 words, I can't.

02:59:32 23 Q. Do your best.

02:59:34 24 A. She said she wasn't going to be working with me on the
02:59:36 25 case anymore, and she -- Steven Bond, that was his name, she

02:59:42 1 introduced me to Steven. I spoke to Steven for a while.

02:59:46 2 Steven, I believe, brought in Ashley, another FBI agent. And

02:59:50 3 Ashley brought around Ed, another FBI agent.

02:59:54 4 Q. Was Ashley in the coffee shop in Naperville when you had

02:59:58 5 this conversation?

02:59:58 6 A. No.

02:59:58 7 Q. Was -- we know Steve was, yes?

03:00:04 8 A. I believe that was Steven, yeah.

03:00:06 9 Q. Now, was anybody taking notes of that meeting?

03:00:08 10 A. They would always take notes. I don't remember which ones

03:00:20 11 specifically.

03:00:20 12 Q. Was there a time you can recall where notes of the meeting

03:00:26 13 with the FBI was not recorded? That means no notes.

03:00:30 14 A. Yes.

03:00:38 15 Q. When?

03:00:38 16 A. You know what? I can't recall specifically. I can't

03:00:52 17 recall specifically.

03:00:52 18 Q. So we know that Kathy told you she was leaving the case?

03:01:00 19 A. Yes.

03:01:00 20 Q. You asked her why?

03:01:04 21 A. No.

03:01:04 22 Q. Did Steve tell you why she was leaving the case?

03:01:12 23 MR. HAMMERMAN: Objection, your Honor. Relevance.

03:01:14 24 THE COURT: Sustained.

03:01:16 25 BY MR. ORMAN:

03:01:18 1 Q. Now, you were communicating with Kathryn Anton by email?

03:01:26 2 A. By email, sometimes text messages, over the phone.

03:01:34 3 Q. Those text messages between you and Kathy, 10 or 15, does
03:01:42 4 that sound about right?

03:01:42 5 A. Yes.

03:01:44 6 Q. Did you bring those -- copies of those text messages with
03:01:48 7 you today?

03:01:50 8 A. No.

03:01:50 9 Q. There is a reason for that, isn't there?

03:02:00 10 MR. HAMMERMAN: Object to the form of the question,
03:02:02 11 your Honor.

03:02:02 12 THE COURT: Just ask a question.

03:02:02 13 BY MR. ORMAN:

03:02:04 14 Q. You didn't bring those text messages between you and Kathy
03:02:10 15 with you today because they were destroyed, correct?

03:02:14 16 A. They were deleted, yeah.

03:02:18 17 Q. You deleted them?

03:02:20 18 A. Yes.

03:02:20 19 Q. You didn't delete your emails, true?

03:02:22 20 A. True.

03:02:24 21 Q. But you chose to delete the text messages?

03:02:32 22 A. Correct.

03:02:36 23 MR. ORMAN: Can I have a moment, your Honor?

03:02:38 24 THE COURT: Yes. We will take our afternoon break
03:02:40 25 now. Members of the jury, 15 minutes.

03:02:42 1 (Short break.)

03:32:48 2 (The jury enters the courtroom.)

03:32:48 3 THE COURT: Please be seated.

03:32:58 4 BY MR. ORMAN:

03:33:02 5 Q. Mr. Qasim, when you sent the procedure logs to the FBI,

03:33:12 6 did anybody come back to you and say, you can't do that?

03:33:16 7 A. At some point, Kathy -- at some point after that, Kathy

03:33:24 8 told me to hold off on sending any more documents to them.

03:33:26 9 Q. At what point was that?

03:33:28 10 A. It was shortly after that.

03:33:32 11 Q. Shortly after what?

03:33:34 12 A. After I faxed the procedure logs.

03:33:38 13 Q. And then you sent a file on Jimmy Carillo? That's

03:33:46 14 C-a-r-i-l-l-o.

03:33:48 15 A. Yes.

03:33:48 16 Q. And that was after she told you not to send any more

03:33:52 17 documents?

03:33:54 18 A. Once she told me, I did not send any more. So whatever I

03:34:00 19 sent over, I sent before she told me.

03:34:02 20 Q. So you sent a file to her for a Christina Solis; is that

03:34:12 21 correct?

03:34:12 22 A. Yes.

03:34:12 23 Q. And then you sent the entire list of Dr. Chhibber's

03:34:16 24 patients?

03:34:18 25 A. Yes.

03:34:18 1 Q. All right. So after you sent the Jimmy Carillo file,
03:34:28 2 nobody told you to stop sending documents, true?

03:34:30 3 A. I can't tell you exactly what they -- they told me not to
03:34:40 4 send any more.

03:34:42 5 Q. We can agree that you sent at least four sets of patient
03:34:48 6 documents at separate times to the FBI, correct?

03:34:52 7 MR. HAMMERMAN: Object to the form of the question,
03:34:52 8 your Honor.

03:34:52 9 THE COURT: Overruled.

03:34:56 10 THE WITNESS: Yes.

03:34:56 11 BY MR. ORMAN:

03:34:58 12 Q. And it took four sets for somebody to tell you that you
03:35:02 13 shouldn't send documents, correct?

03:35:06 14 A. After that, yes.

03:35:08 15 Q. Nobody told you to stop sending documents after the first
03:35:12 16 submission?

03:35:12 17 MR. HAMMERMAN: Objection, your Honor.

03:35:14 18 THE COURT: Sustained.

03:35:16 19 BY MR. ORMAN:

03:35:24 20 Q. We put up on the big screen a chart with some numbers that
03:35:30 21 were changed. Do you recall that?

03:35:32 22 A. With some numbers that were changed?

03:35:34 23 Q. Yes.

03:35:36 24 A. On the logs?

03:35:38 25 Q. Do you recall that, where counsel asked you there was a

03:35:42 1 number here and then there was a number written next to it and
03:35:44 2 that's not your handwriting?

03:35:46 3 A. Yes.

03:35:48 4 Q. You understand that somebody went back, reread the
03:35:52 5 underlying data, and corrected what you did?

03:35:56 6 A. I don't --

03:35:58 7 MR. HAMMERMAN: Objection. Foundation.

03:36:02 8 THE COURT: Overruled.

03:36:04 9 THE WITNESS: I don't believe that I would have taken
03:36:10 10 the measurements and not written them in the report. I did
03:36:14 11 develop a habit of not taking the ECA measurements to keep up
03:36:18 12 with the demand of the patients I needed to get done.

03:36:22 13 BY MR. ORMAN:

03:36:22 14 Q. Let me go back to my question.

03:36:24 15 A. Okay.

03:36:24 16 Q. There came a point in time that in Shirley-Terrell's
03:36:30 17 chart, you wrote some numbers on what you called the tech
03:36:32 18 report?

03:36:34 19 A. Yes.

03:36:34 20 Q. Later on, somebody added some numbers alongside yours?

03:36:38 21 A. Yes.

03:36:38 22 Q. That was a correction, wasn't it?

03:36:40 23 A. I don't think it was a true correction. I would have
03:36:48 24 written it. Somebody corrected it, yes.

03:36:50 25 Q. Was it?

03:36:50 1 A. It was not.

03:36:52 2 Q. You think somebody was altering the records on her chart?

03:36:56 3 Is that what you're saying?

03:36:58 4 A. Yes.

03:36:58 5 Q. You keep a tape of the echocardiograms?

03:37:06 6 A. Yes.

03:37:06 7 Q. You keep a tape of the ultrasounds?

03:37:08 8 A. No, only of the echocardiograms.

03:37:10 9 Q. Somebody could go to the echos and reread what you saw?

03:37:14 10 A. The echos, yes, but the question --

03:37:16 11 Q. And if somebody did --

03:37:18 12 MR. HAMMERMAN: Objection, your Honor. The witness

03:37:24 13 was not done answering.

03:37:24 14 MR. ORMAN: The witness was making a speech, your

03:37:26 15 Honor.

03:37:26 16 THE COURT: That comment is stricken. Put another

03:37:30 17 question to the witness. The objection is overruled.

03:37:32 18 BY MR. ORMAN:

03:37:34 19 Q. Somebody could have gone to the tape, reread what you did,

03:37:36 20 and made a correction on the document, correct?

03:37:38 21 A. Yes.

03:37:38 22 Q. I'd like to get your schedule correct. I want to focus on

03:37:56 23 the year 2010.

03:37:56 24 A. Okay.

03:37:56 25 Q. Now, in 2010, you were regularly scheduled to work one day

03:38:02 1 a week?

03:38:10 2 A. In 2010, I believe for the most part, I worked three days:
03:38:14 3 Two at Hanover Park, one in Cottage Grove.

03:38:22 4 Q. You said you believed. Are you sure?

03:38:26 5 A. The schedule changed often, so I can't -- the schedule
03:38:28 6 wasn't set. Some days I would cover here, some days I would
03:38:32 7 cover here. But for the most part, I worked two days at
03:38:36 8 Hanover Park, Monday and Thursday, and one day on the South
03:38:40 9 Side, Wednesday.

03:38:40 10 Q. Would your payroll stubs give any indication of how many
03:38:44 11 days you worked per week at Hanover Park?

03:38:48 12 A. We didn't get payroll stubs.

03:38:50 13 Q. Would your 1099s reflect that?

03:38:54 14 A. No, not specifically that location, no.

03:38:58 15 Q. I want to be clear on who your employer was in the year
03:39:06 16 2009. Do you know?

03:39:10 17 A. Yeah, Dr. Chhibber.

03:39:12 18 Q. Did Dr. Chhibber ever write you a check in 2009?

03:39:16 19 A. No.

03:39:16 20 Q. Did Mohammed Baig write you checks in 2009?

03:39:24 21 A. Yes.

03:39:24 22 Q. And did you pay taxes on the money that you received from
03:39:30 23 Mohammed Baig in the year 2009?

03:39:32 24 MR. HAMMERMAN: Objection.

03:39:34 25 THE COURT: Overruled.

03:39:34 1 THE WITNESS: No, I didn't.

03:39:40 2 BY MR. ORMAN:

03:39:42 3 Q. When was the last time you had contact with Kathryn Anton?

03:39:50 4 A. We pulled up an email that I sent to her in May 2011, so I

03:40:04 5 suppose that's it.

03:40:04 6 Q. Did you talk to Kathryn Anton since the day that email was

03:40:10 7 sent?

03:40:10 8 A. If she replied, that would have been the only

03:40:16 9 communication.

03:40:16 10 Q. Let's put aside what's sent online. Did you talk on the

03:40:20 11 telephone --

03:40:22 12 A. No.

03:40:22 13 Q. -- to Kathryn Anton since May of, what was it, 2010?

03:40:26 14 A. 2011. No.

03:40:28 15 Q. 2011?

03:40:28 16 A. No, I didn't.

03:40:28 17 Q. Did you talk to Kathryn Anton face to face since May

03:40:34 18 of 2011?

03:40:36 19 A. No.

03:40:36 20 Q. Did you talk to Steven Bond since May of 2011?

03:40:46 21 A. No.

03:40:50 22 Q. Did you text Steven Bond since May of 2011?

03:40:56 23 A. I don't believe so.

03:41:00 24 Q. Did you text Kathryn Anton since May of 2011?

03:41:06 25 A. I don't believe so.

03:41:12 1 Q. I didn't hear the answer.

03:41:14 2 A. I don't believe so, no.

03:41:14 3 Q. Did Kathryn Anton text you since May of 2011?

03:41:18 4 A. I don't believe so.

03:41:22 5 Q. Your email address is doctorfahad?

03:41:30 6 MR. HAMMERMAN: Objection, your Honor. I don't
03:41:30 7 believe it's important to read his email into the record.

03:41:32 8 THE COURT: Is this pertaining to an exhibit?

03:41:34 9 MR. ORMAN: I am asking his email address only,
03:41:38 10 Judge.

03:41:38 11 THE COURT: All right. The objection is overruled.

03:41:40 12 BY MR. ORMAN:

03:41:42 13 Q. Is doctorfahad, correct?

03:41:44 14 A. Doctorfahadq.

03:41:48 15 Q. And you are not a doctor?

03:41:50 16 A. No.

03:41:52 17 MR. ORMAN: May I have a moment, your Honor?

03:41:54 18 THE COURT: Yes.

03:41:56 19 MR. ORMAN: That's enough.

03:41:58 20 THE COURT: All right. Any redirect?

03:42:04 21 MR. HAMMERMAN: Briefly, your Honor.

03:42:04 22 - - -

03:42:04 23 FAHAD QASIM, REDIRECT EXAMINATION

03:42:04 24 BY MR. HAMMERMAN:

03:42:14 25 Q. Mr. Qasim, Mr. Orman asked you a series of questions

03:42:18 1 regarding conversations that you had with Sandra Kendrick at
03:42:24 2 Blue Cross/Blue Shield. Do you remember those questions?

03:42:24 3 A. Yes.

03:42:26 4 Q. He asked you about audit and what was recorded when. Do
03:42:30 5 you remember those questions?

03:42:30 6 A. Yes.

03:42:32 7 Q. Did you not tell Ms. Kendrick that in your conversations
03:42:36 8 with her, that you were aware of an audit at a Berwyn location
03:42:42 9 that had been audited?

03:42:42 10 A. Yes.

03:42:42 11 Q. Did you in sum and substance also tell Ms. Kendrick --

03:42:46 12 THE COURT: Leading. You are leading the witness.

03:42:52 13 MR. HAMMERMAN: Yes, your Honor.

03:42:52 14 BY MR. HAMMERMAN:

03:42:52 15 Q. In your -- do you recall what you told her about your
03:42:56 16 understanding of whether there had been or had not been an
03:42:58 17 audit at the Cottage Grove location? Do you remember the
03:43:04 18 exact things you told Ms. Kendrick?

03:43:08 19 A. Yes.

03:43:08 20 Q. You do remember. Okay. What did you tell Ms. Kendrick
03:43:12 21 about your understanding of whether there had been an audit?

03:43:14 22 A. I told her that Chhibber became aware of a potential audit
03:43:24 23 that was going to happen, and he closed down the clinic for a
03:43:28 24 day, a couple days, and himself and I think Tyanna and the
03:43:38 25 medical assistants went through the charts and made sure they

03:43:42 1 were ready for an audit.

03:43:44 2 Q. So in your communication with Ms. Kendrick, you informed
03:43:48 3 her that you became aware that an audit was expected, not one
03:43:50 4 that actually had occurred; is that right?

03:43:54 5 A. I was letting her know of the preparation for the audit.
03:43:58 6 I'm not sure if I told her it happened or not, but I did tell
03:44:04 7 her about the preparation for it.

03:44:04 8 Q. Mr. Orman asked you some questions regarding Melvin
03:44:12 9 Rogers. Do you remember those questions?

03:44:12 10 A. Yes.

03:44:12 11 Q. And he asked you whether or not you were qualified to
03:44:16 12 determine whether the tests were necessary or not, right?

03:44:20 13 A. Correct.

03:44:22 14 Q. Do you have an understanding or do you have an opinion of
03:44:24 15 whether the tests you were performing were necessary?

03:44:26 16 A. Yes.

03:44:26 17 Q. What's your opinion of whether your tests --

03:44:28 18 MR. ORMAN: Objection, your Honor. Not qualified.

03:44:30 19 THE COURT: Sustained.

03:44:32 20 BY MR. HAMMERMAN:

03:44:32 21 Q. Mr. Orman asked you some questions whether Medicare or --
03:44:42 22 let me rephrase that.

03:44:42 23 Mr. Orman asked you some questions about your
03:44:46 24 understanding of what tests were required or not required of
03:44:50 25 the regulations. Do you remember those questions?

03:44:52 1 A. Yes.

03:44:52 2 MR. ORMAN: Objection, your Honor. That wasn't the
03:44:54 3 question that I asked.

03:44:58 4 MR. HAMMERMAN: I can rephrase, your Honor, if it's
03:44:58 5 helpful.

03:45:00 6 THE COURT: That would solve the problem.

03:45:00 7 BY MR. HAMMERMAN:

03:45:00 8 Q. Do you remember being asked questions by Mr. Orman
03:45:04 9 regarding your knowledge or lack of knowledge on the precise
03:45:08 10 legal requirements of whether reports need to be written or
03:45:12 11 not? Do you remember those questions?

03:45:14 12 A. Yes.

03:45:14 13 Q. Let me ask you this, Mr. Qasim. Did there come a time at
03:45:22 14 the Cottage Grove Community Medical Clinic where reports were
03:45:24 15 being written long after the actual tests that you performed
03:45:28 16 had been done?

03:45:30 17 A. Yes.

03:45:30 18 MR. ORMAN: Objection. Asked and answered on direct.

03:45:32 19 THE COURT: Overruled.

03:45:32 20 BY MR. HAMMERMAN:

03:45:34 21 Q. Who was writing those reports?

03:45:36 22 A. Mr. Baig.

03:45:38 23 Q. Do you have an understanding of who required those reports
03:45:40 24 to be written?

03:45:42 25 A. Yes.

03:45:42 1 Q. Who required that those reports be written long after the
03:45:46 2 exams?

03:45:46 3 A. They are required to be written --

03:45:50 4 MR. ORMAN: Objection, your Honor. Needs a
03:45:50 5 foundation.

03:45:50 6 THE COURT: Sustained.

03:45:52 7 BY MR. HAMMERMAN:

03:45:54 8 Q. Do you know why Mr. Baig was writing those reports,
03:45:58 9 Mr. Qasim?

03:45:58 10 MR. ORMAN: Objection. Foundation.

03:46:00 11 THE COURT: Sustained.

03:46:00 12 BY MR. HAMMERMAN:

03:46:04 13 Q. Did you ever have any conversations with Dr. Chhibber on
03:46:06 14 why those reports were being written by Mr. Baig?

03:46:10 15 A. No.

03:46:10 16 Q. Did you have any conversations with Mr. Baig on why those
03:46:14 17 reports were being written long after the fact?

03:46:16 18 A. Yes.

03:46:16 19 Q. Finally, there were a couple questions that Mr. Orman
03:46:28 20 asked you about who paid you and what kind of tax documents
03:46:32 21 you got. Do you remember those questions?

03:46:34 22 A. Yes.

03:46:34 23 Q. Let me ask you this. In 2009 when you were working at the
03:46:44 24 Cottage Grove Community Medical Clinic, who was your boss?

03:46:46 25 A. I understood to be employed by Dr. Chhibber, but I

03:46:50 1 reported to Mr. Baig.

03:46:50 2 Q. Who, to your understanding, called the shots at the
03:46:58 3 Cottage Grove Community Medical Clinic?

03:46:58 4 A. Dr. Chhibber.

03:46:58 5 Q. Who was the doctor that made determinations on patient
03:47:02 6 care at the Cottage Grove Community Medical Clinic?

03:47:02 7 A. Dr. Chhibber.

03:47:04 8 MR. ORMAN: Objection. Beyond the scope.

03:47:06 9 THE COURT: Sustained.

03:47:06 10 BY MR. HAMMERMAN:

03:47:06 11 Q. Who did you take your direction from while working there
03:47:08 12 in 2009, Mr. Qasim?

03:47:12 13 THE COURT: That was covered in direct examination.

03:47:14 14 MR. HAMMERMAN: I have no further questions, your
03:47:16 15 Honor.

03:47:16 16 THE COURT: Anything further?

03:47:16 17 MR. ORMAN: Yes, your Honor.

03:47:18 18 - - -

03:47:18 19 FAHAD QASIM, RECROSS-EXAMINATION

03:47:18 20 BY MR. ORMAN:

03:47:24 21 Q. I'd just like to get this audit stuff straightened out.

03:47:30 22 You talked to Sandra Kendrick about three audits; is
03:47:36 23 that correct?

03:47:36 24 A. I believe I spoke to her about a Berwyn and a South Side
03:47:40 25 audit.

03:47:40 1 Q. You told her there had been an audit of Dr. Chhibber's
03:47:44 2 practice at the Berwyn clinic, correct?

03:47:56 3 A. I remember speaking to her about an audit in Berwyn.

03:48:02 4 Q. Do you know whether --

03:48:04 5 A. I don't remember if I said it was coming, I don't remember
03:48:06 6 if it already happened, but I remember talking about it.

03:48:10 7 Q. Coming -- or going to happen, do you know whether there
03:48:16 8 was ever an audit at the Berwyn clinic by Medicare?

03:48:18 9 A. I was never there to witness it myself.

03:48:22 10 Q. So you don't know?

03:48:22 11 A. No.

03:48:22 12 Q. Now, you told Sandra Kendrick that there was a Medicare
03:48:30 13 audit at 79th Street a few months ago, didn't you?

03:48:36 14 A. In 2009.

03:48:38 15 Q. That's what you told her?

03:48:40 16 A. Yes.

03:48:40 17 Q. And you don't know whether that audit ever happened or
03:48:44 18 not?

03:48:46 19 A. I say I don't know because other people told me, not --

03:48:50 20 MR. ORMAN: Objection, your Honor.

03:48:50 21 THE COURT: Sustained.

03:48:52 22 BY MR. ORMAN:

03:48:52 23 Q. And you told Sandra Kendrick that there was a Blue Cross
03:48:56 24 audit coming in the future at 79th Street, true?

03:49:00 25 A. Yes.

03:49:00 1 Q. And you don't know whether there was ever such an audit or
03:49:04 2 not?

03:49:04 3 A. True.

03:49:04 4 MR. ORMAN: No more questions.

03:49:08 5 THE COURT: Any redirect?

03:49:10 6 MR. HAMMERMAN: None, your Honor.

03:49:10 7 THE COURT: All right. You are excused.

03:49:16 8 (Witness excused.)

03:49:16 9 MR. COLE: The government called Dena Hopkins.

03:49:46 10 (Witness sworn.)

03:49:46 11 THE COURT: Please be seated and state your full
03:49:48 12 name.

03:49:48 13 THE WITNESS: Dena Hopkins.

03:49:54 14 THE COURT: How do you spell your first name?

03:49:56 15 THE WITNESS: D-e-n-a.

03:49:58 16 THE COURT: Thank you.

03:50:00 17 - - -

03:50:00 18 DENA HOPKINS, DIRECT EXAMINATION

03:50:00 19 BY MR. HAMMERMAN:

03:50:00 20 Q. Ms. Hopkins, can you please start off by telling the jury
03:50:04 21 your educational background.

03:50:06 22 A. I went to South Shore High School. I graduated in '92.

03:50:10 23 After high school, I went to Illinois School of Health Careers
03:50:16 24 in '98.

03:50:16 25 Q. And did you graduate or receive a certificate from the

03:50:20 1 Illinois School of Health Careers?

03:50:22 2 A. I did. I received a certificate for medical assistant.

03:50:26 3 Q. Any other certificates?

03:50:28 4 A. No.

03:50:28 5 Q. Any training in phlebotomy?

03:50:34 6 A. Yes.

03:50:34 7 Q. Is that part of that certificate that you received?

03:50:36 8 A. Yes.

03:50:36 9 Q. Where do you live, and who do you live with?

03:50:42 10 A. I live on 7554 South Constance, and I live with my mom,

03:50:46 11 father, and three children.

03:50:46 12 Q. Are you employed?

03:50:48 13 A. Yes.

03:50:48 14 Q. Can you tell the jury where you work.

03:50:52 15 A. Fortune Group and Home Day Care.

03:50:56 16 Q. What do you do there?

03:50:56 17 A. I help -- I am an assistant substitute with the children.

03:50:58 18 Q. How long have you worked there?

03:51:00 19 A. Going on three years.

03:51:02 20 Q. What was your last job in the medical field?

03:51:08 21 A. It was at Cottage Grove Medical.

03:51:12 22 Q. Before I talk to you about your work with the defendant, I

03:51:16 23 want to talk to you about some legal trouble that you had in

03:51:18 24 the past.

03:51:20 25 Have you ever been convicted of a crime?

03:51:20 1 A. Yes.

03:51:22 2 Q. When was that?

03:51:22 3 A. That was in -- it had to be in 2000, maybe like 2000.

03:51:30 4 Q. And what was that crime?

03:51:30 5 A. Felony forgery.

03:51:32 6 Q. Did you receive a sentence?

03:51:36 7 A. Yes, one year's probation.

03:51:38 8 Q. And what was it that you forged?

03:51:42 9 A. Childcare checks.

03:51:44 10 Q. Who were the checks made out to?

03:51:46 11 A. My best friend, Frank Smith.

03:51:48 12 Q. I want to talk to you about your work with the defendant.

03:51:50 13 How did you meet the defendant?

03:51:56 14 A. Actually, I met him when I was at 7906 South Crandon,

03:52:02 15 Shore Side, Shore Side Professional Building.

03:52:04 16 Q. What were you doing there?

03:52:06 17 A. My mom is a medical assistant for Dr. Twant (phonetic).

03:52:12 18 Q. How did you come to work for the defendant?

03:52:16 19 A. My friend, Timothy Oakstreet (phonetic), told me he was

03:52:20 20 looking for a medical assistant, and she introduced us.

03:52:22 21 Q. Why did you leave the job you currently had to go with the

03:52:26 22 defendant?

03:52:26 23 A. I just wanted a new job.

03:52:30 24 Q. Were you asked to leave?

03:52:30 25 A. Yes.

03:52:30 1 Q. What time period did you work for the defendant?

03:52:34 2 A. Three years.

03:52:36 3 Q. And when was that?

03:52:38 4 A. August of 2006, and I left in -- I was terminated in 2009.

03:52:48 5 Q. How much was he paying you during this time?

03:52:52 6 A. \$10.

03:52:54 7 Q. An hour?

03:52:56 8 A. Yeah, an hour.

03:52:56 9 Q. Can you describe for the jury what you did for the

03:53:00 10 defendant.

03:53:00 11 A. I was a medical assistant, slash, phlebotomy. I also did

03:53:06 12 nerve conduction testing, I did bone density testing, I did

03:53:12 13 the ABI testing. I also ordered supplies for him and also did

03:53:16 14 front work, office work.

03:53:18 15 Q. And as time went on in your employment with the defendant,

03:53:20 16 did you get a promotion of some sort?

03:53:22 17 A. Yes, I was office manager.

03:53:24 18 Q. When did you become office manager?

03:53:26 19 A. Right after Paula Garza left. I am not sure of the dates

03:53:32 20 and the year, but right after she left.

03:53:34 21 Q. So prior to the time you became an office manager, tell

03:53:38 22 the jury in particular what it was that you did as a medical

03:53:42 23 assistant.

03:53:44 24 A. I did PFTs, I did EKGs, I drew blood, I took vital signs,

03:53:52 25 I did some of the work, the front office work, answered the

03:53:54 1 telephone.

03:53:56 2 Q. What about bone density tests?

03:53:58 3 A. Bone density tests, yes.

03:54:00 4 Q. ABI tests?

03:54:02 5 A. Yes.

03:54:02 6 Q. Let's talk about EKG test. Did you have training in EKGs

03:54:08 7 when you were in school?

03:54:08 8 A. Yes.

03:54:08 9 Q. What kind of training did you receive in EKGs while you

03:54:14 10 were working for the defendant in his clinic?

03:54:16 11 A. One of the other workers explained to me how to do the

03:54:20 12 testing.

03:54:22 13 Q. How often would you administer EKG tests while working for

03:54:26 14 the defendant?

03:54:26 15 A. Basically every day. Every day.

03:54:30 16 Q. Who was the other worker who trained you?

03:54:32 17 A. LaTonya Miller.

03:54:34 18 Q. Approximately how many would you do every day?

03:54:38 19 A. Maybe at least 10, 10 a day.

03:54:44 20 Q. Where in the office were these EKGs administered?

03:54:48 21 A. In the exam rooms.

03:54:50 22 Q. Now, what kind of a report is generated once you completed

03:54:56 23 an EKG test?

03:54:58 24 A. There is a standard size paper report once you are done.

03:55:02 25 Q. And what would you do with this report?

03:55:04 1 A. Put it in the chart.

03:55:06 2 Q. And what would happen to the charts at the end of the day?

03:55:10 3 A. At the end of the day, you get the charts together, and we
03:55:14 4 set them on the back -- on his desk.

03:55:16 5 Q. Now, how often would you see the defendant looking at EKG
03:55:20 6 reports?

03:55:22 7 A. Not often.

03:55:22 8 Q. Now, during the three years that you worked there,
03:55:28 9 approximately how many times did the defendant ask you about
03:55:30 10 the results of an EKG test?

03:55:32 11 A. Not often.

03:55:34 12 Q. When you say "not often," what does that mean?

03:55:36 13 A. Maybe once or twice.

03:55:40 14 Q. During the entire three years you worked there?

03:55:42 15 A. Yes.

03:55:42 16 Q. Let's talk about bone density tests. Can you describe to
03:55:46 17 the jury what a bone density test is.

03:55:48 18 A. Actually, it's a machine that the patient lays there, and
03:55:56 19 you get under the scan, and you have to place the lights to
03:55:58 20 the places that you need to be scanned, and you set the
03:56:04 21 machine, and it scans the whole body.

03:56:06 22 MR. JONES: Judge, the only reason I object, there is
03:56:08 23 no bone density in the indictment.

03:56:10 24 THE COURT: Overruled.

03:56:12 25 BY MR. COLE:

03:56:14 1 Q. Were you trained on performing bone density tests at
03:56:20 2 school?

03:56:20 3 A. No.

03:56:20 4 Q. Did you receive training when you were at defendant's
03:56:24 5 clinic in performing a bone density test?

03:56:26 6 A. Yes.

03:56:26 7 Q. Can you describe for the jury the training in the machine?

03:56:30 8 A. The manufacturers of the machine, they came for about an
03:56:34 9 hour to teach me how to do the test.

03:56:34 10 Q. What other training did you receive at the defendant's
03:56:38 11 clinic in bone density tests?

03:56:42 12 A. None.

03:56:42 13 Q. Now, were you aware of whether the defendant was offering
03:56:44 14 bone density tests at the clinic prior to the time that you
03:56:48 15 were trained on that machine?

03:56:50 16 A. I'm sorry. Can you repeat that?

03:56:52 17 Q. So prior to the time you were trained on the machine, had
03:56:54 18 the clinic been offering those tests?

03:56:56 19 A. No.

03:56:58 20 Q. Who took the training with you?

03:57:00 21 A. Just me.

03:57:02 22 Q. Did the defendant participate in the training at all?

03:57:06 23 A. No.

03:57:06 24 Q. Where in the test -- in the office were bone density tests
03:57:12 25 performed?

03:57:14 1 A. In an exam room.

03:57:14 2 Q. Now, how confident in your ability to perform a bone
03:57:20 3 density test were you after receiving your training?

03:57:22 4 MR. JONES: Judge, I am going to object.

03:57:24 5 THE COURT: Overruled.

03:57:26 6 THE WITNESS: I wasn't at all.

03:57:26 7 BY MR. COLE:

03:57:28 8 Q. Why not?

03:57:28 9 A. Because I didn't know what I was doing. I didn't know
03:57:32 10 what I was doing.

03:57:32 11 Q. Did you ever tell that to the defendant?

03:57:38 12 A. Yes.

03:57:38 13 Q. When?

03:57:38 14 A. Right after I tried to do it, and I couldn't do it right,
03:57:42 15 and I told him I didn't know exactly what I was doing.

03:57:44 16 Q. Where in the office did this conversation take place?

03:57:46 17 A. In the back where he usually sits.

03:57:48 18 Q. Was anyone else there?

03:57:50 19 A. No.

03:57:50 20 Q. What did the defendant tell you?

03:57:52 21 MR. JONES: Excuse me. Is this foundation only?
03:57:54 22 Time period? When was this?

03:57:56 23 BY MR. COLE:

03:57:58 24 Q. When in your time at the defendant's clinic did you
03:58:00 25 receive this training?

03:58:00 1 A. I'm not positive. I'm not sure.

03:58:04 2 Q. Had you been there a long time, or was it towards the

03:58:08 3 beginning of the time?

03:58:08 4 A. No, I had been there a while. I had been there.

03:58:10 5 Q. Had you become the office manager yet?

03:58:14 6 A. Yes.

03:58:14 7 Q. Approximately when did you become office manager?

03:58:16 8 A. I'm not sure of the time period.

03:58:22 9 Q. Approximately how long were you office manager before you

03:58:24 10 left the defendant's employment?

03:58:26 11 A. Maybe about a year.

03:58:28 12 Q. So this was in the last year of your employment with the

03:58:30 13 defendant?

03:58:30 14 A. Yes.

03:58:30 15 Q. What did the defendant tell you after you told him about

03:58:34 16 your concerns about performing the bone density tests?

03:58:36 17 A. He said that once I kept doing it, I should be all right.

03:58:40 18 Q. Now, what type of printout or results did the bone density

03:58:48 19 test machine give?

03:58:48 20 A. A standard size paper printout.

03:58:50 21 Q. And what did you do with these printouts?

03:58:52 22 A. Once I was done with it, I placed them in the chart.

03:58:56 23 Q. And then what did you do with the chart?

03:58:58 24 A. Once the patient was done with the chart, set it on the

03:59:02 25 back desk where he is, where he sits.

03:59:04 1 Q. Approximately how many times a week would you perform bone
03:59:10 2 density tests?
03:59:10 3 A. I know it's every -- it was every day, every day.
03:59:14 4 Q. How many times a day?
03:59:16 5 A. Maybe about three to four times a day.
03:59:22 6 Q. Now, how often did you see the defendant review the bone
03:59:24 7 density test results?
03:59:24 8 A. Not -- I didn't see it often at all.
03:59:28 9 Q. How often would the defendant ask you questions about your
03:59:32 10 bone density testing?
03:59:32 11 A. He didn't.
03:59:34 12 Q. Never?
03:59:34 13 A. No.
03:59:36 14 Q. Let's talk about ABI tests. Did you perform ABI tests at
03:59:42 15 the defendant's clinic?
03:59:44 16 A. Yes.
03:59:44 17 MR. JONES: Judge, the only reason I am objecting
03:59:46 18 again, not in the indictment.
03:59:48 19 THE COURT: Overruled.
03:59:50 20 BY MR. COLE:
03:59:50 21 Q. Were you trained on ABI tests at school?
03:59:52 22 A. No.
03:59:52 23 Q. Were you trained on ABI tests while working for the
03:59:58 24 defendant?
03:59:58 25 A. Yes.

03:59:58 1 Q. Can you please describe that training for the jury.

04:00:02 2 A. I was trained by the manufacturer of the machine for about
04:00:08 3 an hour.

04:00:08 4 Q. Approximately when did this training take place?

04:00:10 5 A. I am not sure.

04:00:16 6 Q. Do you remember if you were the office manager at that
04:00:20 7 time?

04:00:20 8 A. Yes.

04:00:20 9 Q. You were already office manager?

04:00:20 10 A. Yes.

04:00:22 11 Q. Okay. And you said the person who brought in the machine
04:00:26 12 gave you one hour of training. Who was with you in this
04:00:28 13 training?

04:00:28 14 A. Just me.

04:00:30 15 Q. What role did the defendant play in that training?

04:00:36 16 A. None.

04:00:38 17 Q. Can you describe for the jury what an ABI test is.

04:00:46 18 A. Actually, it's a machine where you put leads on the ankles
04:00:50 19 and on the arms, and it's basically for arterial blood -- I am
04:01:00 20 really not that confident at all.

04:01:02 21 Q. Well, did you tell the defendant --

04:01:06 22 MR. ORMAN: Your Honor, could you have the witness
04:01:08 23 speak up?

04:01:08 24 THE COURT: Yes. Keep your voice up so everybody
04:01:12 25 even in the back of the courtroom can hear you.

04:01:12 1 BY MR. COLE:

04:01:16 2 Q. Did you tell the defendant about your concern about your
04:01:20 3 confidence in performing these tests?

04:01:22 4 A. No.

04:01:22 5 Q. Why not?

04:01:24 6 MR. JONES: Wait a minute, Judge. I am going to
04:01:26 7 object to her speculation.

04:01:26 8 THE COURT: Sustained.

04:01:28 9 BY MR. COLE:

04:01:28 10 Q. Now, what type of printout or result did the ABI test
04:01:34 11 machine give?

04:01:34 12 A. It gave you a strip. It was a strip of paper.

04:01:38 13 Q. And what would you do with this strip?

04:01:40 14 A. Once I am done with the testing, I put it in the chart and
04:01:42 15 placed it on the desk of the doctor.

04:01:44 16 Q. Now, how often would you perform ABI testing at the
04:01:52 17 defendant's clinic?

04:01:52 18 A. Every day.

04:01:54 19 Q. How many times a day?

04:01:54 20 A. Two to three times a day.

04:01:56 21 Q. Were you aware of whether anyone at defendant's clinic was
04:02:02 22 performing ABI testing prior to when you were trained?

04:02:06 23 A. No.

04:02:06 24 Q. Let me ask you a better question. Did the defendant's
04:02:12 25 clinic offer ABI tests prior to your training?

04:02:14 1 A. No.

04:02:14 2 Q. So when you got trained, it was the first time the machine

04:02:18 3 had come to the office; is that right?

04:02:20 4 A. Yes.

04:02:20 5 Q. How often would the defendant ask you about the results of

04:02:24 6 the ABI tests?

04:02:26 7 A. Not often.

04:02:26 8 Q. When you say "not often," how many times?

04:02:30 9 A. Maybe once or twice.

04:02:32 10 Q. Now, would patients ever ask you why they were getting ABI

04:02:38 11 tests?

04:02:38 12 MR. JONES: Judge, we object.

04:02:40 13 THE COURT: Sustained.

04:02:42 14 BY MR. COLE:

04:02:42 15 Q. Let's talk about PFT tests. Were you trained on PFT tests

04:02:48 16 at school?

04:02:48 17 A. No.

04:02:48 18 Q. What training did you receive on PFT testing once you

04:02:52 19 began working for the defendant?

04:02:54 20 A. Once I got to the office, one of the co-workers trained me

04:02:58 21 to do PFT testing.

04:03:00 22 Q. Do you know when approximately that was?

04:03:02 23 A. As soon as I started working there. The machine was there

04:03:04 24 when I got there.

04:03:06 25 Q. Who was it who trained you?

04:03:08 1 A. It was LaTonya Miller.

04:03:10 2 Q. Now, after receiving the training, how confident were you

04:03:14 3 in performing the PFT test?

04:03:16 4 A. Very confident.

04:03:16 5 Q. Why so confident?

04:03:18 6 A. It was pretty straightforward. It was a very easy test to

04:03:22 7 give.

04:03:22 8 Q. What would you have to do to give that test?

04:03:24 9 A. You just take the machine, you put all the information for

04:03:30 10 the patient. Once it's ready, you hit enter, the patient has

04:03:34 11 to take a deep breath, blow, and that's it. You put it on the

04:03:40 12 thing and a report comes out.

04:03:42 13 Q. Now, what did you do with the report that came out of the

04:03:44 14 machine?

04:03:44 15 A. I put it in the chart.

04:03:46 16 Q. Now, how often would you perform PFT testing at

04:03:50 17 defendant's clinic?

04:03:50 18 A. Every day.

04:03:50 19 Q. Approximately how many times a day?

04:03:52 20 A. Each patient.

04:03:56 21 Q. Every single patient that came into the clinic?

04:03:58 22 A. Yes.

04:03:58 23 Q. Now, how often did you see the defendant review the

04:04:06 24 results of the PFT tests?

04:04:06 25 A. I didn't see a doctor.

04:04:08 1 Q. How often would he ask you questions about the results of
04:04:12 2 the PFT tests?

04:04:12 3 A. He didn't ask.

04:04:14 4 Q. Now, let's talk about nerve conduction studies. Did you
04:04:18 5 perform nerve conduction studies when you were with the
04:04:22 6 defendant?

04:04:22 7 A. Yes.

04:04:22 8 MR. JONES: Judge, standing objection as to those
04:04:24 9 that are not in the indictment.

04:04:26 10 THE COURT: Overruled. Standing overruled.

04:04:32 11 BY MR. COLE:

04:04:32 12 Q. Can you describe for the jury what a nerve conduction
04:04:34 13 study is.

04:04:34 14 A. A nerve conduction test is a machine where you put the
04:04:40 15 patients up, put their information in, you give them -- you
04:04:46 16 hit start, and it sends a shock through the patients' bodies.

04:04:50 17 Q. What was the patient's reaction to the shock?

04:04:52 18 MR. JONES: Judge, I object.

04:04:54 19 THE COURT: Sustained.

04:04:56 20 BY MR. COLE:

04:04:58 21 Q. Were you trained on nerve conduction studies when you were
04:05:00 22 at school?

04:05:00 23 A. No.

04:05:00 24 Q. Now, what training did you receive in giving nerve
04:05:04 25 conduction studies when you worked at the defendant's clinic?

04:05:08 1 A. I got trained from Paula Garza.

04:05:10 2 Q. Approximately how long did the training last?

04:05:12 3 A. Maybe 30 minutes at the most.

04:05:18 4 Q. Can you describe this training for the jury?

04:05:20 5 A. What she did was she had the patient sit there, had me

04:05:26 6 come in the room, and she took me step by step on how to place

04:05:30 7 the sensors onto the patient for the nerve conduction.

04:05:32 8 Q. How long did it take to administer this nerve conduction

04:05:36 9 test?

04:05:36 10 A. Twenty minutes at the most.

04:05:36 11 Q. Now, what type of printout results did this nerve

04:05:40 12 conduction test give?

04:05:42 13 A. Standardized paper.

04:05:44 14 Q. Now, what did you do with the test results?

04:05:46 15 A. Once you are done with it, you put it in the chart.

04:05:48 16 Q. What would you do with the chart?

04:05:50 17 A. Put it on the back desk.

04:05:52 18 Q. Now, how often would you perform nerve conduction tests at

04:05:56 19 defendant's clinic?

04:05:58 20 A. That was given every couple -- not every day, but maybe

04:06:04 21 once or twice a week.

04:06:06 22 Q. Now how often did you see the defendant review the results

04:06:10 23 of nerve conduction studies?

04:06:12 24 A. I didn't see him.

04:06:12 25 Q. How often would the defendant ask you about nerve

04:06:16 1 conduction study results?

04:06:18 2 A. He didn't.

04:06:20 3 Q. Would patients ever ask you why they were getting these
04:06:24 4 tests?

04:06:24 5 MR. JONES: Objection, your Honor.

04:06:24 6 THE COURT: Sustained.

04:06:26 7 BY MR. COLE:

04:06:26 8 Q. Did you ever inform patients of the results of these
04:06:28 9 tests?

04:06:30 10 MR. JONES: Objection, your Honor.

04:06:30 11 THE WITNESS: No.

04:06:30 12 THE COURT: Sustained. Don't answer a question when
04:06:34 13 counsel stands to object.

04:06:36 14 BY MR. COLE:

04:06:38 15 Q. Did you personally ever inform patients about the results
04:06:40 16 of these tests?

04:06:42 17 MR. JONES: Objection --

04:06:42 18 THE COURT: This whole line of questioning is
04:06:44 19 hearsay. Sustained to this line of questioning.

04:06:48 20 BY MR. COLE:

04:06:48 21 Q. Now, at some point, you said you became the office
04:06:52 22 manager; is that correct?

04:06:52 23 A. Yes.

04:06:54 24 Q. Can you describe how your duties changed?

04:06:58 25 A. I became the office manager. I ordered supplies for the

04:07:04 1 office. I still did my duties as blood drawing, bone density,
04:07:10 2 ABI testing. I copied charts if an attorney needed it. I
04:07:18 3 copied charts and sent them out. That's what I did.
04:07:20 4 Q. Did you do any billing work for the defendant when you
04:07:22 5 became office manager?
04:07:24 6 A. Yes.
04:07:24 7 Q. Who had done the billing work prior to you doing it?
04:07:26 8 A. LaTonya.
04:07:28 9 Q. Can you please describe for the jury how you did the
04:07:30 10 billing work.
04:07:32 11 A. What I did was I took the bills that I got from the chart
04:07:38 12 of the --
04:07:38 13 Q. Let me stop you. What's a superbill?
04:07:40 14 A. A superbill is a standardized sheet of paper where all the
04:07:46 15 procedure codes and ICD-9 codes are. And once you get the
04:07:50 16 superbill with the chart, he has you check off what's the
04:07:54 17 procedure code and what's the diagnosis at the bottom.
04:07:56 18 Q. Let me stop you for a moment. You said "he has you check
04:07:58 19 off." Who are you referring to?
04:08:00 20 A. Dr. Chhibber.
04:08:00 21 Q. So the sheet you were looking at you called a superbill
04:08:04 22 has information on it listing the procedure codes?
04:08:06 23 A. Yes.
04:08:08 24 Q. And the diagnosis codes?
04:08:08 25 A. Yes.

04:08:08 1 Q. And some indication by the defendant about what procedure
04:08:12 2 and what diagnosis should be billed, correct?

04:08:14 3 A. Yes.

04:08:14 4 Q. Once you took this information off the superbill, what did
04:08:18 5 you do?

04:08:18 6 A. We placed it into our computer system, we put it in the
04:08:24 7 computer, and we got our superbills together for the day. We
04:08:28 8 got them together, put them in an envelope, sent them off
04:08:30 9 through UPS to his biller, Jay Tolia.

04:08:38 10 Q. Now, in the course of doing the billing, you view patient
04:08:46 11 after patient's superbill; is that correct?

04:08:48 12 A. Yes.

04:08:48 13 Q. Is that true for basically every patient that went through
04:08:52 14 his clinic when you were the office manager?

04:08:54 15 A. Yes.

04:08:54 16 Q. Did you notice any pattern of diagnoses on the superbill
04:08:58 17 that went along with people who received pulmonary function
04:09:02 18 tests?

04:09:02 19 A. Yes.

04:09:04 20 MR. JONES: Judge, I am going to object.

04:09:04 21 THE COURT: Sustained.

04:09:06 22 BY MR. COLE:

04:09:10 23 Q. Now, generally speaking, what time did you arrive at the
04:09:16 24 clinic each morning?

04:09:18 25 A. 9:00 o'clock.

04:09:18 1 Q. What about the defendant?

04:09:20 2 A. Somewhere around noon or 1:00.

04:09:24 3 Q. What time was the first scheduled patient appointment?

04:09:26 4 A. 9:00 o'clock.

04:09:28 5 Q. Now, approximately how many patients were waiting to see
04:09:34 6 the defendant by the time he arrived?

04:09:36 7 A. About seven to eight.

04:09:38 8 Q. Did you ever speak to the defendant over the phone about
04:09:40 9 tests he wanted to order on patients prior to his arrival at
04:09:44 10 the clinic?

04:09:44 11 A. Yes.

04:09:44 12 Q. How would this come about?

04:09:46 13 A. He would call the office, and whomever answered the phone
04:09:50 14 at the time was ordered to tell who was all there, get the
04:09:56 15 charts, take them to the back, pick up the phone at the back
04:09:58 16 desk, and he will ask who is all there and ask the last time
04:10:04 17 they were there.

04:10:04 18 Q. Can you describe in more detail this conversation you had
04:10:08 19 with defendant.

04:10:08 20 MR. JONES: Well, Judge, I need a foundation.

04:10:12 21 BY MR. COLE:

04:10:12 22 Q. How often would he call?

04:10:14 23 A. Every day.

04:10:14 24 Q. How often would you talk to him?

04:10:18 25 A. Maybe twice a week or something, twice a week.

04:10:22 1 Q. Did he ask the same types of questions every time you
04:10:26 2 talked to him?

04:10:26 3 A. Yes.

04:10:26 4 Q. Can you describe these questions for the jury, please.

04:10:30 5 A. Just to ask who all was at the clinic, take the charts to
04:10:34 6 the back, tell me -- look at the charts, tell me what the last
04:10:38 7 thing -- the test performed on the patient.

04:10:42 8 Q. Did he ever ask you about insurance?

04:10:48 9 MR. JONES: Objection, Judge. These are leading
04:10:48 10 questions.

04:10:50 11 THE COURT: Sustained.

04:10:50 12 BY MR. COLE:

04:10:50 13 Q. Anything else that he asked you about the patients?

04:10:52 14 A. No.

04:10:52 15 Q. Did you notice whether there were certain types of
04:10:58 16 patients who he did not order tests for?

04:11:00 17 MR. JONES: Objection, Judge.

04:11:02 18 THE COURT: Sustained.

04:11:02 19 BY MR. COLE:

04:11:04 20 Q. Did you notice anything about the types of patients that
04:11:08 21 he was discussing with you and the tests he was ordering?

04:11:12 22 MR. JONES: Judge, I'm going to object.

04:11:12 23 THE COURT: Sustained.

04:11:14 24 BY MR. COLE:

04:11:18 25 Q. Would he order tests for Medicaid patients?

04:11:24 1 MR. JONES: Judge, see, this is the same.

04:11:24 2 THE COURT: Sustained. Leading and suggestive.

04:11:30 3 BY MR. COLE:

04:11:30 4 Q. Did the defendant speak with anyone else at the clinic
04:11:32 5 about testing he wanted to have ordered?

04:11:34 6 A. Yes.

04:11:34 7 Q. Who else did he speak with?

04:11:36 8 A. LaTonya Miller, Paula Garza, like I said, whoever answered
04:11:42 9 the phone at the time that he called.

04:11:44 10 Q. Would he also speak to Mr. Baig?

04:11:46 11 A. Yes.

04:11:46 12 Q. What about Mr. Qasim?

04:11:50 13 A. No.

04:11:50 14 Q. Now, when the defendant asked -- would the defendant then
04:11:56 15 actually order tests for patients on the phone?

04:12:00 16 A. Yes.

04:12:00 17 Q. Now, would this be for new patients at the clinic or only
04:12:06 18 established patients?

04:12:08 19 A. Established patients.

04:12:08 20 Q. Did he ever order tests on new patients?

04:12:12 21 MR. JONES: Judge, she's answered this question.

04:12:16 22 THE COURT: Sustained.

04:12:16 23 BY MR. COLE:

04:12:26 24 Q. Let me talk to you about copays. How often did you take a
04:12:32 25 copayment from a patient?

04:12:32 1 MR. JONES: Objection. Relevance, Judge.

04:12:34 2 THE COURT: Overruled.

04:12:36 3 THE WITNESS: Basically, not too much.

04:12:44 4 BY MR. COLE:

04:12:46 5 Q. When you say "not too much," what does that mean?

04:12:48 6 A. Every day, we would take two or three patients a day.

04:12:52 7 Q. Why were you not taking them from every patient?

04:12:56 8 A. Sometimes they just slipped through the cracks or we

04:13:00 9 forget to get them.

04:13:00 10 Q. Now, are you aware of how defendant acquired new patients?

04:13:12 11 A. I'm sorry?

04:13:16 12 Q. Are you aware of any marketing or anything else the

04:13:20 13 defendant did to acquire new patients?

04:13:22 14 A. Yes.

04:13:22 15 MR. JONES: Objection. Foundation, Judge.

04:13:24 16 BY MR. COLE:

04:13:24 17 Q. How were you aware of it?

04:13:26 18 A. The Trinity list, the Trinity Hospital has a list where

04:13:32 19 you can pull up the patients that were seen in the ER the day

04:13:34 20 before. The defendant, Dr. Chhibber --

04:13:38 21 THE COURT: The objection was to foundation. Would

04:13:42 22 you please establish personal knowledge.

04:13:44 23 BY MR. COLE:

04:13:46 24 Q. How do you know about this Trinity list?

04:13:46 25 A. I seen him do it.

04:13:48 1 Q. You seen who do it?

04:13:50 2 A. Dr. Chhibber.

04:13:50 3 Q. Where did you see this?

04:13:52 4 A. In the back where he usually sits.

04:13:56 5 Q. When was this?

04:13:56 6 A. When he'd come in in the morning or in the afternoon.

04:14:00 7 Q. How often would this happen?

04:14:02 8 A. Every day.

04:14:04 9 Q. Can you tell the jury what it was that you observed the
04:14:10 10 defendant doing?

04:14:10 11 A. Going into the Trinity database, into the ER, pulling out
04:14:16 12 the patients that were seen in the ER, and that's how I seen
04:14:20 13 him do it, printing it out.

04:14:22 14 Q. When he'd pull the patients out of the list of patients
04:14:26 15 seen at the ER, what would he do with this list?

04:14:28 16 A. He would give it to Paula Garza, check off who he wanted
04:14:32 17 her to --

04:14:32 18 MR. JONES: I'm going to object, Judge.

04:14:36 19 THE COURT: All right. The objection is sustained.
04:14:38 20 She's gone beyond the question.

04:14:40 21 BY MR. COLE:

04:14:42 22 Q. You said he would print off the list?

04:14:44 23 A. Yes.

04:14:44 24 Q. Would he do anything with the list that he printed off
04:14:48 25 before he gave the list to anyone else?

04:14:50 1 A. He will check off who he wanted to be called.

04:14:52 2 Q. Did he ever tell you or did you ever observe the names
04:14:56 3 that he was checking off the list?

04:14:58 4 A. No.

04:15:00 5 Q. Do you know -- do you have any basis of understanding as
04:15:04 6 to why he checked off certain names?

04:15:06 7 MR. JONES: Judge, I'm going to object.

04:15:08 8 THE COURT: Sustained.

04:15:10 9 BY MR. COLE:

04:15:12 10 Q. Did anyone ever -- did the defendant ever tell you why he
04:15:14 11 was checking off certain names?

04:15:16 12 A. No.

04:15:16 13 Q. Did you ever hear the defendant talk about why he was
04:15:22 14 checking off certain names?

04:15:24 15 A. No.

04:15:24 16 Q. Did you ever see a pattern in the names that were checked
04:15:26 17 off?

04:15:26 18 MR. JONES: Judge, I object.

04:15:28 19 THE COURT: Sustained.

04:15:28 20 BY MR. COLE:

04:15:30 21 Q. Once the names on this list were checked off, what would
04:15:34 22 happen to this list?

04:15:34 23 A. They would get called into the office to see Dr. Chhibber.

04:15:38 24 Q. Who would call them?

04:15:40 25 A. Paula.

04:15:42 1 Q. Did you ever hear Paula calling them?

04:15:46 2 A. Yes.

04:15:46 3 Q. What did Paula say to them?

04:15:48 4 MR. JONES: Object, Judge. Hearsay.

04:15:50 5 THE COURT: Sustained.

04:15:52 6 BY MR. COLE:

04:15:56 7 Q. Now, can you describe for the jury how you left your
04:16:00 8 employment with the defendant.

04:16:00 9 A. I was terminated in 2009. I was called into his office.

04:16:10 10 He was out of town, and he couldn't get -- he left the checks

04:16:14 11 with his wife. The wife called the office and asked if I

04:16:18 12 could wait until Monday to --

04:16:20 13 MR. JONES: Judge, I am going to object.

04:16:22 14 THE COURT: Sustained. Would you just put questions
04:16:24 15 to the witness instead of a narrative.

04:16:28 16 BY MR. COLE:

04:16:28 17 Q. Do you have an understanding as to why it was you were
04:16:32 18 terminated from the defendant's employment?

04:16:32 19 A. I believe it was just hearsay.

04:16:38 20 MR. JONES: Judge, see, I am going to object.

04:16:40 21 THE COURT: Okay. I guess I have to sustain that
04:16:42 22 objection.

04:16:44 23 BY MR. COLE:

04:16:46 24 Q. When you were terminated from the defendant's employment,
04:16:48 25 did you continue working for him for a period of time?

04:16:50 1 A. Yes.

04:16:50 2 Q. How long?

04:16:52 3 A. About a week.

04:16:54 4 Q. Can you explain that to the jury, why you still worked for
04:16:58 5 him.

04:16:58 6 A. Yes, I had got a loan from the defendant for \$1600, and
04:17:08 7 after -- before I left, they were taking money out of my
04:17:12 8 check. And once I was terminated, his wife asked me --

04:17:14 9 MR. JONES: Judge, I object.

04:17:14 10 THE COURT: Now, all right. Put another question to
04:17:18 11 the witness.

04:17:18 12 BY MR. COLE:

04:17:20 13 Q. Now, had you borrowed money from the defendant?

04:17:22 14 A. Yes.

04:17:22 15 Q. And you hadn't finished paying it back; is that correct?

04:17:26 16 A. Yes.

04:17:26 17 Q. And then when you were terminated, did you have a
04:17:30 18 conversation with the defendant about working with him a
04:17:32 19 little bit longer?

04:17:32 20 A. Yes.

04:17:34 21 Q. And why would you be working a little bit longer?

04:17:38 22 A. To pay back the money.

04:17:38 23 Q. Now, you recall being interviewed by an investigator for
04:17:44 24 Blue Cross; is that correct?

04:17:46 25 A. Yes.

04:17:46 1 Q. Did you tell -- what did you tell the investigator why you
04:17:52 2 were fired from your job?

04:17:54 3 A. I didn't tell him.

04:17:54 4 MR. JONES: I object, Judge. That's hearsay.

04:17:56 5 THE COURT: Sustained.

04:17:58 6 BY MR. COLE:

04:18:00 7 Q. Did the defendant ever give you a job reference after your
04:18:04 8 termination?

04:18:04 9 A. Yes.

04:18:04 10 Q. With who?

04:18:06 11 A. Dr. Byas.

04:18:06 12 Q. How do you spell that?

04:18:08 13 A. B-y-a-s.

04:18:08 14 Q. And who is Dr. Byas?

04:18:12 15 A. He is an internal medicine doctor.

04:18:14 16 Q. And did Dr. Byas actually call you, or did you call him?

04:18:22 17 A. He called me.

04:18:24 18 Q. Did he explain to you why he called you?

04:18:26 19 A. Yes, he wanted me --

04:18:26 20 MR. JONES: Objection, Judge.

04:18:28 21 THE COURT: You know these are hearsay questions.

04:18:30 22 Please don't go into third-party conversations unless

04:18:34 23 Dr. Chhibber was present.

04:18:36 24 BY MR. COLE:

04:18:36 25 Q. Did you ever go work for Dr. Byas?

04:18:38 1 A. No.

04:18:40 2 Q. Why is that?

04:18:40 3 MR. JONES: Judge, object.

04:18:42 4 THE COURT: Sustained.

04:19:22 5 MR. COLE: May I have a moment, your Honor?

04:19:24 6 THE COURT: Yes.

04:19:24 7 (Brief pause.)

04:19:24 8 MR. COLE: I have no other questions, your Honor.

04:19:26 9 THE COURT: Cross-examination?

04:19:26 10 MR. JONES: Yes, your Honor.

04:19:28 11 - - -

04:19:28 12 DENA HOPKINS, CROSS-EXAMINATION

04:19:28 13 BY MR. JONES:

04:19:52 14 Q. Ms. Hopkins, one of the things that you said was that you
04:19:56 15 would perform these tests and that the doctor never asked you
04:20:02 16 how these tests go; is that correct?

04:20:04 17 A. Yes.

04:20:04 18 Q. Well, first of all, you had no expertise in reading EKG
04:20:10 19 results, did you?

04:20:10 20 A. No.

04:20:10 21 Q. So why would the doctor do a useless act by asking you
04:20:18 22 about the tracings on the EKG?

04:20:20 23 MR. COLE: Object to the form.

04:20:20 24 THE COURT: Sustained.

04:20:22 25 BY MR. JONES:

04:20:24 1 Q. You couldn't -- as you just told us, you couldn't read the
04:20:28 2 tracings on the EKG, right?

04:20:30 3 A. Right.

04:20:30 4 Q. And the same thing was true with these ABI tests that you
04:20:36 5 could barely do the name for us, you couldn't interpret those
04:20:42 6 tests, could you?

04:20:44 7 MR. COLE: Object to the form of the question.

04:20:46 8 THE COURT: Could you restate it without the
04:20:50 9 editorial.

04:20:54 10 BY MR. JONES:

04:20:54 11 Q. Ma'am, you could look at those tests, and you did not
04:20:56 12 understand how to interpret those tests, could you?

04:20:58 13 A. No.

04:20:58 14 Q. And as for this whole thing with Trinity and these Trinity
04:21:16 15 lists, you have no idea whether these were Dr. Chhibber's
04:21:22 16 patients, do you?

04:21:24 17 A. No.

04:21:24 18 Q. You know, you talked to us about -- you talked about the
04:22:18 19 \$1600 that you owed to Dr. Chhibber. Do you recall that?

04:22:20 20 A. Yes.

04:22:20 21 Q. I want to show you what's been marked as Government's
04:22:26 22 146-1. And is that the -- is that the \$1600 that Dr. Chhibber
04:22:36 23 loaned you?

04:22:38 24 A. Yes.

04:22:38 25 MR. COLE: Can I see a copy? I think you mean

04:22:42 1 Defendant's 147.

04:22:44 2 MR. JONES: Yes.

04:23:00 3 BY MR. JONES:

04:23:02 4 Q. That's the check, is it not?

04:23:06 5 A. Yes.

04:23:06 6 Q. And that's the check that the doctor gave you on 7/23/08;

04:23:14 7 is that correct?

04:23:14 8 A. Yes.

04:23:14 9 Q. And he gave you that check because you and those three

04:23:16 10 children that you talked to us about were being put out of

04:23:18 11 your house, right?

04:23:20 12 A. No.

04:23:20 13 Q. Well, what did he give you the \$1600 for?

04:23:24 14 A. To move with.

04:23:26 15 Q. That's right, because you had to get out. You needed to

04:23:28 16 move, right?

04:23:28 17 A. No.

04:23:28 18 Q. Well, why do you say he gave you the \$1600?

04:23:34 19 A. To find a new apartment.

04:23:34 20 Q. All right. To find a new apartment. Well, weren't you

04:23:38 21 being put out of the one you were in?

04:23:40 22 A. No.

04:23:40 23 Q. So he was still giving you the money so you could live in

04:23:42 24 a better place?

04:23:44 25 A. Yes.

04:23:44 1 Q. All right. And what you told -- when you had an interview
04:23:52 2 with the FBI on 10/5/2011, you told the FBI that you still
04:24:00 3 owed Dr. Chhibber at the time of your leaving, that you still
04:24:04 4 owed him money; isn't that correct?

04:24:10 5 In fact, what you did was you told the FBI not that
04:24:14 6 it was paid off. You said that you owed him \$600 at the time
04:24:18 7 you left?

04:24:18 8 MR. COLE: Object to the form.

04:24:22 9 THE COURT: Well, I think he withdrew the first
04:24:24 10 question.

04:24:26 11 MR. JONES: Yes.

04:24:26 12 THE COURT: Do you understand the question?

04:24:26 13 MR. JONES: Judge, I will rephrase it for her.

04:24:28 14 THE COURT: Okay.

04:24:30 15 BY MR. JONES:

04:24:30 16 Q. Isn't it a fact that on 10/5/2011, you told the FBI that
04:24:36 17 when you left, you still -- you had repaid approximately \$600?
04:24:40 18 Isn't that what you told them?

04:24:42 19 A. I am not -- can you say it again?

04:24:44 20 Q. Yeah, I'm going to say it real slow.

04:24:46 21 MR. COLE: Objection, your Honor.

04:24:48 22 THE COURT: Sustained.

04:24:48 23 BY MR. JONES:

04:24:50 24 Q. At the time -- didn't you tell the FBI on October 5th,
04:24:54 25 2011, that at the time you left Dr. Chhibber, you had paid

04:25:00 1 everything -- you only owed him \$600?

04:25:04 2 A. No.

04:25:06 3 Q. Let me show you the interview from that day. I just want
04:25:10 4 to see if that will refresh your recollection, that paragraph.

04:25:14 5 MR. COLE: Objection, your Honor. The witness has
04:25:18 6 not said her recollection needs to be refreshed.

04:25:20 7 THE COURT: Overruled.

04:25:22 8 BY MR. JONES:

04:25:24 9 Q. Do you see that paragraph, ma'am?

04:25:24 10 A. I see it.

04:25:26 11 Q. And I just want to know, is it still your story now
04:25:30 12 that --

04:25:30 13 MR. COLE: Objection, your Honor.

04:25:32 14 THE COURT: Sustained.

04:25:32 15 BY MR. JONES:

04:25:32 16 Q. Is it still your testimony now that you didn't tell the
04:25:36 17 FBI that you only owed him \$600 at the time you left?

04:25:42 18 A. At the time I left, I owed him -- it was more than \$600.

04:25:48 19 Q. In fact, what you told the FBI, you didn't tell the FBI
04:25:50 20 about anything about your having worked this off. You told
04:25:56 21 the FBI that they had been taking it out of your paychecks?

04:26:00 22 A. Exactly.

04:26:00 23 Q. Well, you know, ma'am, I got all your paychecks.

04:26:06 24 Government Exhibit --

04:26:06 25 MR. COLE: Objection, your Honor.

04:26:10 1 THE COURT: Go ahead.

04:26:10 2 BY MR. JONES:

04:26:12 3 Q. Government Exhibit 145-1. Why don't you tell us which one
04:26:14 4 of those paychecks that any of that money was ever taken out
04:26:20 5 of.

04:26:24 6 I'm sorry, Defendant's Exhibit.

04:26:26 7 THE COURT: What was the number again?

04:26:28 8 MR. JONES: 145-1.

04:27:14 9 THE WITNESS: I don't see it.

04:27:14 10 BY MR. JONES:

04:27:14 11 Q. All right. Now, obviously, you've told us that you were
04:27:24 12 fired by Dr. Chhibber; is that correct?

04:27:26 13 A. Yes.

04:27:26 14 Q. And you're very bitter about being fired, weren't you?

04:27:30 15 A. No.

04:27:30 16 Q. The best job that you have had -- you haven't had a job as
04:27:36 17 good as the one with Dr. Chhibber since you have been fired;
04:27:38 18 isn't that right?

04:27:38 19 A. No.

04:27:38 20 Q. Are you getting paid more now than you were being paid by
04:27:44 21 Dr. Chhibber?

04:27:44 22 A. Yes.

04:27:44 23 Q. When did that happen?

04:27:46 24 A. Once I started working at the day care.

04:27:48 25 Q. And how long has that been?

04:27:50 1 A. I have been there for three years.

04:27:52 2 Q. Now, you admitted that at the time you started working for
04:28:02 3 Dr. Chhibber that you had a felony conviction for forgery;
04:28:06 4 isn't that correct?

04:28:06 5 A. Yes.

04:28:08 6 Q. Now, you never told the doctor that you had a felony
04:28:10 7 conviction for forgery, did you?

04:28:12 8 A. Yes.

04:28:12 9 Q. You say you told him?

04:28:14 10 A. Yes, I did.

04:28:16 11 Q. Well, then he really gave you a break by keeping you hired
04:28:20 12 after you say you told him that you had a felony conviction
04:28:24 13 for forgery; is that correct?

04:28:26 14 MR. COLE: Objection.

04:28:26 15 THE COURT: Sustained.

04:28:26 16 BY MR. JONES:

04:28:28 17 Q. So you say he knew, but he kept you hired; is that right?

04:28:32 18 A. Yes.

04:28:32 19 Q. All right. Ms. Hopkins, did you ever make a complaint to
04:29:52 20 the Inspector General?

04:29:52 21 A. I don't understand the question.

04:29:52 22 Q. Well, did you ever make a complaint to the Inspector
04:29:58 23 General of Illinois?

04:30:00 24 A. No.

04:30:00 25 Q. And if you had made a complaint to the Inspector General

04:30:04 1 of Illinois, I think we can assume that you know how to spell
04:30:06 2 your own name; is that correct?

04:30:08 3 MR. COLE: Speculation, your Honor. Objection.

04:30:10 4 THE COURT: Sustained.

04:30:12 5 BY MR. JONES:

04:30:22 6 Q. Here, I just want to show you what's been marked as
04:30:26 7 Defendant's Exhibit 44 and just ask, did you ever send this
04:30:32 8 email?

04:30:36 9 MR. JONES: Hold on one second.

04:30:40 10 MR. HAMMERMAN: We have it.

04:30:42 11 BY MR. JONES:

04:30:44 12 Q. This is the email that purports to be to the Inspector
04:30:46 13 General under the name of D and then Hopkins. Did you ever
04:30:54 14 send that email?

04:30:54 15 A. No, I didn't.

04:30:54 16 MR. JONES: Thank you. I don't have any further
04:30:56 17 questions, Judge.

04:30:56 18 THE COURT: Any redirect?

04:30:58 19 MR. COLE: No, your Honor.

04:30:58 20 THE COURT: All right. Perfect timing. We are going
04:31:00 21 to recess for the day. Have a good evening. Please don't
04:31:04 22 discuss the case with anyone.

04:31:06 23 We will resume at 9:00 o'clock tomorrow morning.

04:31:08 24 Thank you.

04:31:08 25 The jury leaves the courtroom.)

04:31:42 1 THE COURT: You are excused. Thank you.

04:31:42 2 (Witness excused.)

04:31:50 3 THE COURT: I reserved ruling on Government Exhibit
04:31:54 4 620, the big exhibit at the end of the Volume 2, I believe it
04:32:02 5 is. There was an objection. Do you want to state the basis
04:32:10 6 for your objection?

04:32:14 7 MR. ORMAN: As the witness, Mr. Fahad, indicated, he
04:32:38 8 did not know how many patients the doctor saw on each day that
04:32:44 9 is reflected in the procedure logs, your Honor. Absent that
04:32:48 10 information, the jury could draw the inference that this is
04:32:52 11 all there was and that every patient did, in fact, get tested
04:32:58 12 on those days when that just didn't happen.

04:33:08 13 THE COURT: Would you explain specifically -- let me
04:33:12 14 look at 620.

04:33:18 15 Is it a foundational objection you have? I am not
04:33:22 16 sure I understand.

04:33:24 17 MR. ORMAN: It is a relevance objection because there
04:33:28 18 is no foundation or correlation will ever be made.

04:33:38 19 THE COURT: These are the logs with patients' names
04:33:48 20 and the Xs?

04:33:50 21 MR. HAMMERMAN: All the tests that they received,
04:33:56 22 your Honor.

04:33:56 23 MR. ORMAN: Yes.

04:33:56 24 THE COURT: Well, one thing I recall from the
04:34:06 25 witness' testimony was that these circles, certain things that

04:34:12 1 are circled, he said those weren't on these exhibits when he
04:34:18 2 saw them.

04:34:20 3 MR. ORMAN: Yes.

04:34:20 4 THE COURT: He never saw these circles.

04:34:22 5 MR. HAMMERMAN: He didn't see the circles, your
04:34:24 6 Honor, and he also said they had no import to him, but he did
04:34:26 7 say that even those that were circled were tests that he
04:34:30 8 performed. There was a question of whether or not these tests
04:34:34 9 were performed and what these logs reflect, and the witness
04:34:36 10 was very clear that these records reflect the tests that he
04:34:40 11 and Mr. Baig performed, these records were maintained -- they
04:34:44 12 were first of all generated at or about the time that the
04:34:46 13 information contained therein is reflected.

04:34:50 14 THE COURT: But they have been altered or highlighted
04:34:52 15 in some way.

04:34:52 16 MR. HAMMERMAN: There is a circle around certain of
04:34:56 17 them. That's not -- your Honor, the import of the actual
04:34:58 18 records is that the tests were performed. Whether or not --
04:35:02 19 and the question Mr. Orman asked was whether or not they were
04:35:04 20 free or not is of absolutely no relevance. The question here
04:35:06 21 is whether the tests were performed, and a sufficient business
04:35:10 22 records foundation was laid for these.

04:35:12 23 Mr. Orman is making a relevancy argument he just
04:35:18 24 cited to your Honor, and that is the question is, does the
04:35:20 25 evidence tend to make the fact of the consequence more

04:35:22 1 probable or less probable. Clearly, these records that showed
04:35:24 2 that every patient -- that these lists of patients were
04:35:28 3 receiving, you know, a number of these same tests, the same
04:35:32 4 type of tests at the same time day after day is clearly
04:35:36 5 relevant. It tends to show that Dr. Chhibber was ordering an
04:35:42 6 enormous amount of these tests.

04:35:42 7 And the proper business records foundation, which
04:35:46 8 Mr. Orman did not challenge in his cross-examination and has
04:35:50 9 not challenged now in his objection, was laid. So that meets
04:35:54 10 the relevancy standard. It meets the business records
04:35:56 11 foundation. We believe we have done everything we were
04:35:58 12 required to do for their admission, and we are now seeking
04:36:00 13 their admission.

04:36:02 14 THE COURT: What more can the government do,
04:36:04 15 Mr. Orman?

04:36:06 16 MR. ORMAN: I will tell you what they can do, Judge.
04:36:08 17 They can get an expert, as you advised them to do and which
04:36:14 18 they have chosen not to do.

04:36:16 19 THE COURT: That was on the medical necessity issue.

04:36:18 20 MR. ORMAN: Same issue, Judge. The government's
04:36:22 21 arguing, Well, we have all of these tests; therefore,
04:36:28 22 something wrong must be going on. They're missing the tie.
04:36:34 23 They need somebody to correlate these with something that
04:36:36 24 matters. In other words, they need an expert to say, yeah,
04:36:42 25 there were a lot of tests, and tests 1, 2, and 4 should not

04:36:46 1 have been done.

04:36:48 2 MR. HAMMERMAN: Your Honor --

04:36:50 3 MR. ORMAN: The mere fact that a test is done means
04:36:52 4 nothing. If we are going to allow the government all of these
04:36:58 5 tests, therefore, they must be bad, that's just not connecting
04:37:00 6 the information.

04:37:02 7 MR. HAMMERMAN: Your Honor, there is simply no rule
04:37:02 8 of evidence that Mr. Orman is citing that would require the
04:37:06 9 government to have an expert opine on every issue put before
04:37:10 10 the jury. There is no such rule.

04:37:12 11 These documents are relevant, and we have laid the
04:37:16 12 proper foundation for them. They tend to show the fact of
04:37:22 13 consequences more probable than not. That is all we are
04:37:24 14 required to show.

04:37:26 15 Mr. Orman's argument as to weight is in closing
04:37:28 16 argument. It's not an argument of admission. So we believe
04:37:30 17 that we have met our foundational requirements to admit the
04:37:38 18 document. Mr. Orman, of course, is free to make the same
04:37:40 19 argument he is making to your Honor at closing and to say that
04:37:44 20 they don't know what test was or was not required, but that
04:37:46 21 goes to weight, not admission. This meets the admissibility
04:37:50 22 requirements of relevance, and we would ask that it be
04:37:54 23 admitted, Judge.

04:37:54 24 THE COURT: I do find that there was a sufficient
04:37:56 25 foundation laid for the admissibility of Government

04:38:02 1 Exhibit 620, and so Group Exhibit 620 is admitted.

04:38:02 2 (Above-mentioned exhibit was received in evidence.)

04:38:10 3 THE COURT: Now, with respect to the defendant's
04:38:20 4 motion for an evidentiary hearing regarding the circumstances
04:38:24 5 of the destruction of emails and texting between Special
04:38:40 6 Agent --

04:38:40 7 MR. ORMAN: Anton.

04:38:46 8 THE COURT: -- Kathy Anton and the witness who
04:38:48 9 testified today, have the parties discussed a possible
04:38:52 10 stipulation as to her deleting those emails and text messages?

04:39:04 11 MR. HAMMERMAN: We broached the subject matter with
04:39:06 12 Mr. Jones, who suggested that we convene an hour after court
04:39:10 13 was concluded today to see if we could work something out. We
04:39:12 14 unfortunately did not have the opportunity to do so during the
04:39:14 15 lunch hour, so we were hoping to do so this evening.

04:39:18 16 THE COURT: I must say counsel for both sides have
04:39:20 17 been extremely diligent and thorough. I haven't seen a better
04:39:30 18 prepared case on both sides. I know that you are busy. But
04:39:32 19 see if you can work something out without my having to rule on
04:39:40 20 this motion.

04:39:40 21 MR. HAMMERMAN: We'll do our best, your Honor.

04:39:40 22 MR. COLE: Thank you, your Honor.

04:39:42 23 MR. HAMMERMAN: Can I raise one more issue before the
04:39:44 24 court now because I believe it will be an issue tomorrow?

04:39:44 25 THE COURT: Yes.

04:39:46 1 MR. HAMMERMAN: We previously sought the admission of
04:39:50 2 Government Exhibit 628 and 629. These are exhibits that were
04:39:56 3 mentioned during the testimony of Special Agent Kory Bakken.
04:39:58 4 We are seeking to admit these exhibits into evidence again
04:40:02 5 tomorrow during the testimony of one of our agents. Based on
04:40:06 6 Mr. Orman's prior objection, I thought it would be appropriate
04:40:08 7 to raise the issue now.

04:40:10 8 We will be able, your Honor, to raise -- to establish
04:40:12 9 a business records foundation once again for these exhibits.
04:40:16 10 The witness who was required to put these exhibits together
04:40:20 11 and use them as part of her job performance will testify.

04:40:24 12 Mr. Orman, his objection last time was that it would
04:40:28 13 be somehow prejudicial for the jury to see progress notes
04:40:34 14 taken out of charts without the context around them, but as
04:40:38 15 your Honor may recall, immediately after Mr. Orman made that
04:40:42 16 particular argument, Mr. Jones cross-examined Twahki Rhodes by
04:40:48 17 showing her progress notes taken out of charts for the free
04:40:50 18 clinic days as he asked her again and again, Do you know if
04:40:54 19 this test was paid for, do you know if this test was paid for
04:40:56 20 and basically has now taken these same type of notes out and
04:41:00 21 used them as, frankly, a sword in their efforts to attack our
04:41:08 22 witnesses.

04:41:08 23 We will lay a proper business records foundation for
04:41:12 24 these records, and we believe that the defense argument that
04:41:14 25 they must all -- the charts must be taken in their entirety,

04:41:18 1 that argument can no longer be sustained now that they have
04:41:22 2 showed these individual pages outside of the context of charts
04:41:26 3 to our own witnesses.

04:41:28 4 MR. ORMAN: He knows better, Judge. The documents --

04:41:34 5 THE COURT: Shame.

04:41:36 6 MR. HAMMERMAN: I just want to do what Mr. Jones gets
04:41:38 7 to do, your Honor. That's it.

04:41:38 8 MR. JONES: That's a lot.

04:41:44 9 MR. ORMAN: The documents that were shown to the
04:41:46 10 witness by counsel is generating a waiver. The documents that
04:41:54 11 the government offered into evidence, we didn't object. They
04:41:56 12 were in evidence. What stops us from asking the witness
04:42:00 13 questions? These documents are not in evidence, and,
04:42:04 14 hopefully, unless Mr. Hammerman keeps coming back or stops
04:42:08 15 coming back making the same arguments, we will deal with it
04:42:12 16 when the time comes.

04:42:14 17 MR. HAMMERMAN: Your Honor, we'd rather address, of
04:42:16 18 course, an issue before the witness is in the middle of her
04:42:20 19 testimony and the matter can't be decided.

04:42:20 20 THE COURT: I just hate to plow through all those
04:42:24 21 documents right now and find Government Exhibit 628 and 629,
04:42:30 22 and I am sure that you have a lot of preparation work to do.
04:42:34 23 I think it would be better when you have the witness here and
04:42:38 24 go through the business records routine, I will have the
04:42:42 25 exhibits in front of me, I promise I can make a more informed

04:42:46 1 decision than I can right now.

04:42:48 2 MR. HAMMERMAN: Yes, your Honor.

04:42:50 3 MR. JONES: Judge, there is just one, and this won't
04:42:54 4 take any time, but I have to do it for the record. You know,
04:42:56 5 your Honor, we had those motions that you sent down to Judge
04:43:00 6 Cole about the Brady and Giglio. Basically what Judge Cole
04:43:04 7 said was that those become ripe at trial.

04:43:08 8 So I only say for the record now that we are here at
04:43:12 9 trial, if there is anything that we were supposed to have
04:43:16 10 gotten due to Brady and Giglio, I just make that again for the
04:43:22 11 record. That's all I have to say about it.

04:43:24 12 THE COURT: All right. You re-enter your motion?

04:43:30 13 MR. JONES: Yes, your Honor.

04:43:32 14 THE COURT: It's noted. Thank you.

04:43:34 15 MR. HAMMERMAN: Thank you, your Honor.

04:43:42 16 (The trial was adjourned at 4:45 p.m. on March 5, 2012,
04:43:54 17 until 9:00 a.m. on March 6, 2012.)

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